

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

286TH MEETING

FULL COUNCIL SESSION

Hilton Palacio del Rio Hotel

San Antonio, Texas

August 23-26, 2021

VOTING MEMBERS

Kevin Anson (designee for Scott Bannon).....Alabama
 Patrick Banks.....Louisiana
 Susan Boggs.....Alabama
 Leann Bosarge.....Mississippi
 Billy Broussard.....Louisiana
 Dale Diaz.....Mississippi
 Jonathan Dugas.....Louisiana
 Phil Dyskow.....Florida
 Tom Frazer.....Florida
 Bob Gill.....Florida
 Martha Guyas (designee for Jessica McCawley).....Florida
 Robin Riechers.....Texas
 Bob Shipp.....Alabama
 Joe Spraggins.....Mississippi
 Andy Strelcheck.....NMFS
 Greg Stunz.....Texas
 Ed Swindell.....Louisiana
 Troy Williamson.....Texas

NON-VOTING MEMBERS

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

STAFF

Assane Diagne.....Economist
 Matt Freeman.....Economist
 John Froeschke.....Deputy Director
 Beth Hager.....Administrative Officer
 Lisa Hollensead.....Fishery Biologist
 Ava Lasseter.....Anthropologist
 Mary Levy.....NOAA General Counsel
 Natasha Mendez-Ferrer.....Fishery Biologist
 Emily Muehlstein.....Public Information Officer
 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
 Bernadine Roy.....Office Manager
 Camilla Shireman.....Administrative & Communications Assistant
 Carrie Simmons.....Executive Director

1 Carly Somerset.....Fisheries Outreach Specialist
2
3 **OTHER PARTICIPANTS**
4 Chris Ahr.....NOAA OLE
5 Charlie Bergmann.....MS
6 Chris Blankenship.....AL
7 Ryan Bradley.....MS
8 Eric Brazer.....Shareholders Alliance
9 Catherine Bruger.....Ocean Conservancy
10 Les Casterline.....TPWD
11 Katie Fischer.....Matlacha, FL
12 Richard Fischer.....LA
13 Troy Frady.....Orange Beach, AL
14 Dakus Geeslin.....TX
15 Jim Green.....Destin, FL
16 Buddy Guindon.....Galveston, TX
17 Ken Haddad.....ASA
18 Frank Hernandez.....MS
19 Scott Hickman.....Galveston, TX
20 Dylan Hubbard.....FL
21 Mike Jennings.....Freeport, TX
22 David Krebs.....FL
23 Lawrence Marino.....LA
24 Kerry Marhefka.....SAFMC
25 Johnny Marquez.....MS
26 Jay Mullins.....FL
27 John O'Malley.....NOAA OLE
28 Clay Porch.....SEFSC
29 Kellie Ralston.....ASA
30 Casey Streeter.....FL
31 Matt Streich.....
32 Mark Tryon.....FL
33 Verena Wang.....MS
34 Anna Woods.....FL
35 Adam Zewen.....
36 Jim Zurbrick.....Steinhatchee, FL
37
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48

TABLE OF MOTIONS

1
2
3 [PAGE 76](#): Motion to revise the Statement of Organization
4 Practices and Procedures (SOPPs) language to read as follows:
5 The Council has established a Standing SSC and Special SSCs for
6 individual fishery management plans or areas of expertise to
7 provide expert scientific and technical advice to the Council.
8 The SSC shall review and comment on the scientific adequacy of
9 such statistical, biological, economic, social, and other
10 scientific information as is relevant to the Council's
11 development and amendment of any fishery management plan.
12 During the appointment process of the Standing SSC, the Council
13 shall appoint no more than 17 individuals which will include 8
14 stock assessment or quantitative biologists/ecologists. The
15 remaining appointees shall include at least 2 economists and at
16 least 2 anthropologists/ sociologists, and 5 other scientists.
17 Each member will have demonstrable expertise in one of the above
18 categories. Each Special SSC will be comprised of no more than
19 3 members, and none of those three shall be a member of the
20 Standing SSC or another Special SSC. When a Special SSC meets
21 with the Standing SSC, members of the combined committees will
22 vote as a whole committee. Council members or their designees
23 may not simultaneously serve on the Council and an SSC. [The](#)
24 [motion carried on page 77](#).

25
26 [PAGE 80](#): Motion to increase the SSC stipend from \$300 per day
27 to \$350 per day. [The motion carried on page 84](#).

28
29 [PAGE 84](#): Motion to have council staff initiate a document which
30 allows conversion of the recently issued historical captain
31 permits to conventional permits. [The motion carried on page 85](#).

32
33 [PAGE 86](#): Motion to approve the 2021-2024 Cooperative Law
34 Enforcement Strategic Plan. [The motion carried on page 86](#).

35
36 [PAGE 86](#): Motion to approve the 2021-2022 Cooperative Law
37 Enforcement Operations Plan. [The motion carried on page 86](#).

38
39 [PAGE 90](#): Motion in Action 1 to remove Option 2b and Option 3b.
40 [The motion carried on page 90](#).

41
42 [PAGE 91](#): Motion in Action 1 to add the following language to
43 Alternatives 2 and 3. Alternative 2: The owner or operator of a
44 shrimp vessel with a valid or renewable Gulf shrimp moratorium
45 permit (SPGM) would be required to install an approved vessel
46 monitoring system (VMS) that archives vessel position "when on a
47 fishing trip in the Gulf of Mexico" and automatically transmits
48 that data via cellular service to NMFS. Alternative 3: The

1 owner or operator of a shrimp vessel with a valid or renewable
2 SPGM would be required to install an approved electronic logbook
3 that archives vessel position "when on a fishing trip in the
4 Gulf of Mexico" and automatically transmits that data via
5 cellular service to NMFS. [The motion carried on page 91.](#)

6
7 [PAGE 91](#): Motion in Action 1 to add the following language to
8 Alternative 2: Alternative 2: "Implement a VMS requirement for
9 the Gulf shrimp fishery." The owner or operator of a shrimp
10 vessel with a valid or renewable Gulf shrimp moratorium permit
11 (SPGM) would be required to install an approved vessel
12 monitoring system (VMS) that archives vessel position "when on a
13 fishing trip in the Gulf of Mexico" and automatically transmits
14 that data via cellular service to NMFS. [The motion carried on](#)
15 [page 92.](#)

16
17 [PAGE 102](#): Motion to form a small working group of knowledgeable
18 and involved individuals selected with agreement by the Science
19 Center Director, Council Executive Director, and Council and
20 Shrimp Committee Chairs to develop an agreed upon structure and
21 direction for the shrimp data collection framework amendment.
22 This document shall be reviewed by the Shrimp AP prior to
23 consideration by the council. [The motion carried on page 109.](#)

24
25 [PAGE 113](#): Motion to take Amendment 32: Modifications to the
26 Gulf of Mexico Migratory Group Cobia Catch Limits, Possession
27 Limits, Size Limits, and Framework Procedure out for public
28 hearings. [The motion carried on page 113.](#)

29
30 [PAGE 125](#): Motion in Action 1 to make Alternative 2 the
31 preferred alternative. [The motion carried on page 125.](#)

32
33 [PAGE 127](#): Motion to request the SEFSC complete a red grouper
34 analysis similar to the analysis done for king mackerel, which
35 will show estimates of what the historical OFLs and ABCs would
36 have been with FES landings. [The motion carried on page 127.](#)

37
38 [PAGE 137](#): Motion in Action 1 to make Alternative 3 an
39 additional preferred to the Preferred Alternative 2 with the
40 following modification: Alternative 3: For 2022 only, reduce
41 each of the state-specific red snapper private angling component
42 ACLs by 23 percent, retaining the allocation percentages
43 established in Amendment 50A of the Reef Fish FMP. The
44 resulting state-specific ACLs are as follows: Alabama 864,450
45 pounds whole weight; Florida 1,473,357 pounds whole weight;
46 Louisiana 628,499 pounds whole weight; Mississippi 116,694
47 pounds whole weight; Texas 204,131 pounds whole weight. The 23
48 percent buffer will be applied to any subsequent increase in the

1 state-specific ACLs for the recreational private angling
2 component for red snapper. [The motion failed on page 148.](#)

3
4 [PAGE 150](#): Motion to request the NOAA Office of Science and
5 Technology work with the Gulf States Marine Fisheries Commission
6 and associated state partners to conduct a data workshop, to
7 include an examination of how wave-specific estimates associated
8 with low sample size and shortened seasons may affect CHTS/FES
9 recreational red snapper landings and corresponding calibration
10 ratios, as well as consideration of 2020 data. Findings from
11 this workshop, including recalculated calibration ratios and
12 associated data inputs, shall be reviewed for appropriateness
13 for management use by the SSC prior to calibration
14 implementation currently scheduled to occur on January 1, 2023.
15 [The motion carried on page 158.](#)

16
17 [PAGE 160](#): Motion in response to the direction of the United
18 States Congress in the 2021 CJS Appropriations legislation that
19 passed by broad bipartisan support, I move that before making
20 any related regulatory changes derived from recreational
21 landings calibration, NMFS, as directed by Congress, is to
22 address the question of which data collection system (i.e., MRIP
23 or the catch data programs administered by the Gulf States) are
24 providing the best estimates of recreational red snapper catch
25 in the Gulf of Mexico and for NMFS to contract with a non-
26 governmental entity with expertise in statistics and fisheries-
27 dependent data collection to provide the following: (1) an
28 independent assessment of the accuracy and precision of both the
29 Federal and State recreational catch data programs in the Gulf
30 of Mexico; (2) recommended improvements to be made to the
31 Federal and State recreational catch data programs in the Gulf
32 of Mexico to improve accuracy and precision; (3) an independent
33 assessment, based on the results of the two prior items, to how
34 best to calibrate the Federal and State recreational catch data
35 programs in the Gulf of Mexico to a common currency; and (4) a
36 determination of a simple state-by-state exploitation rate (F)
37 using total combined fishery-dependent sources of state harvest
38 from commercial anglers and federally-permitted anglers
39 interchanged with federal and state recreational data program
40 estimates and abundance estimates off respective states from the
41 Great Red Snapper Count. [The motion carried on page 163.](#)

42
43 [PAGE 164](#): Motion in Action 3.1 to make Alternative 1 the
44 preferred alternative. [The motion carried on page 165.](#)

45
46 [PAGE 165](#): Motion in Action 3.2 to make Alternative 2 the
47 preferred alternative. [The motion carried on page 165.](#)

1 [PAGE 165](#): Motion in Amendment 36B, Action 2, to make
2 Alternative 4 and Option 4b an additional preferred. [The motion](#)
3 [carried on page 165](#).

4
5 [PAGE 166](#): Motion in Draft Amendment 36C to move Action 3 to
6 Considered but Rejected. [The motion carried on page 166](#).

7
8 [PAGE 166](#): Motion to form a small facilitated focus group of
9 knowledgeable individuals, selected by a process approved by the
10 Regional Administrator and council and Reef Fish Committee
11 Chairs, to provide a detailed plan for the following: 1. Define
12 the changes needed for an improved IFQ program for RS, G-TF to
13 specifically address minimizing discards, fairness and equity,
14 and new entrants' issues; 2. Report their findings to the SSC
15 and appropriate APs for review and advice to the council. [The](#)
16 [motion caried on page 175](#).

17
18 [PAGE 181](#): Motion to request a presentation to the Gulf Council
19 by an appropriate representative or author(s) of the National
20 Academy of Sciences report, Data and Management Strategies for
21 Recreational Fisheries with Annual Catch Limits. [The motion](#)
22 [carried on page 184](#).

23
24 [PAGE 184](#): Motion to have a written interpretation from NOAA
25 General Counsel regarding the use of National Standard 6,
26 Variations and Contingencies, and when it is appropriate to use
27 alternative management measures as they relate to issues in the
28 Gulf of Mexico, and in particular state-based management
29 programs and short season management. [The motion carried on](#)
30 [page 187](#).

31
32
33

- - -

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened on Monday morning, August 23, 2021, and was
3 called to order by Chairman Tom Frazer.

4
5 **CHAIRMAN TOM FRAZER:** It looks like we're getting pretty close
6 to having everybody at the table. Okay. I am glad that
7 everybody made it, and we actually have three of our council
8 members this morning that are participating remotely: Dr. Shipp,
9 Ms. Bosarge, and Mr. Dyskow.

10
11 Before we get into the committee meetings this morning, we'll go
12 ahead and have the induction for new council members and re-
13 appointees. Before we get to that, and that will be led by Andy
14 Strelcheck, and I just wanted to congratulate Andy on recently
15 being appointed as the Regional Administrator for the Southeast
16 Regional Office. Well deserved, Andy.

17
18 We will go ahead, Andy, if you want to -- I think it would be
19 best if you do it up front here, and we have, again, two new
20 inductees, Bob Gill from Florida and Billy Broussard from
21 Louisiana. Then we've got three re-appointees, and that would
22 be Dale Diaz, J.D. Dugas, and Susan Boggs. J.D., you had a
23 quick question.

24
25 **MR. J.D. DUGAS:** Yes, sir. Thank you. I'm just wondering why
26 we're doing this now and why we're not doing it on Wednesday
27 afternoon.

28
29 **CHAIRMAN FRAZER:** The issue really has to do with participation
30 on the committees and an opportunity, ultimately, to vote. Are
31 we good? All right. We will get everybody up here, and I will
32 back away and let Mr. Strelcheck be the master of ceremonies.

33
34 **INDUCTION OF NEW AND REAPPOINTED COUNCIL MEMBERS**

35
36 **MR. ANDY STRELCHECK:** It's my pleasure to have before us five
37 council members, and it's great to, obviously, have two new
38 council members joining us. As part of every council member's
39 initial responsibilities, it's to do the oath of office for
40 participation on the council. I have asked all of them to read
41 it, rather than repeat after me, and so I am just going to get
42 you started, and then I will turn it over to you to speak.

43
44 (Whereupon, the new and reappointed council members recite the
45 oath of office.

46
47 **MR. STRELCHECK:** If everyone could join me in congratulating
48 these new council members. Thank you for your interest in

1 participating on the council. I know how much of a commitment
2 this is, and I look forward to working with you and everyone
3 else on this council, and so congratulations on your
4 appointment. I have some certificates of membership to share
5 with you.

6
7 **CHAIRMAN FRAZER:** Thank you, Andy, and, again, congratulations
8 to our new council members and our re-appointees. I appreciate
9 you also wearing your masks. I just want to remind people that
10 we're asking that people wear masks in the meeting rooms and the
11 common areas, and we would really appreciate that. It presents
12 some challenges, and I understand, but I think what we're trying
13 to do is make sure that we provide a safe environment for
14 everybody that wants to participate. Susan.

15
16 **MS. SUSAN BOGGS:** Thank you, Mr. Chair. Do we need to wear the
17 masks while sitting at the meeting table? Thank you.

18
19 **CHAIRMAN FRAZER:** What we've tried to do here is socially
20 distance folks, and so, if you're speaking, and you feel like
21 you would like to take your mask off at the table, I think we
22 have allowed for that. Okay. I think, without further ado,
23 we're going to jump right into our committees, and we will start
24 off with the Administrative and Budget Committee.

25
26 (Whereupon, the meeting recessed on August 23, 2021.)

27
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29
30 August 25, 2021

31
32 WEDNESDAY AFTERNOON SESSION

33
34 - - -

35
36 The Full Council of the Gulf of Mexico Fishery Management
37 Council reconvened on Wednesday afternoon, August 25, 2021, and
38 was called to order by Chairman Tom Frazer.

39
40 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**

41
42 **CHAIRMAN FRAZER:** It looks like we've got everybody around the
43 table, and so I'm going to call to order the meeting. Welcome
44 to the 286th meeting of the Gulf Council. My name is Tom Frazer,
45 and I'm the chair of the council. If you have a cellphone or
46 similar device, we ask that you place it on silent or vibrating
47 mode during the meeting. Also, in order for all of us to be
48 able to hear the proceedings, we ask that you have any private

1 conversations outside. Please be advised that alcoholic
2 beverages are not permitted in the meeting room.

3
4 The Gulf Council is one of eight regional councils established
5 in 1976 by the Fishery Conservation and Management Act, known
6 today as the Magnuson-Stevens Act. The council's purpose is to
7 serve as a deliberative body to advise the Secretary of Commerce
8 on fishery management measures in the federal waters of the Gulf
9 of Mexico. These measures help ensure that fishery resources in
10 the Gulf are sustained, while providing the best overall benefit
11 to the nation.

12
13 The council has seventeen voting members, eleven of whom are
14 appointed by the Secretary of Commerce and include individuals
15 from a range of geographical areas in the Gulf of Mexico with
16 experience in various aspects of fisheries.

17
18 The membership also includes the five state fishery managers
19 from each Gulf state and the Regional Administrator from NOAA's
20 Southeast Fisheries Service, as well as several non-voting
21 members.

22
23 Public input is a vital part of the council's deliberative
24 process, and comments, both oral and written, are accepted and
25 considered by the council throughout the process. We will
26 welcome public comment from in-person and virtual attendees.
27 Anyone joining us virtually that wishes to speak during the
28 public comment should have already registered for comment
29 online.

30
31 Virtual participants that are registered to comment should
32 ensure that they are registered for the webinar under the same
33 name they used to register to speak. In-person attendees
34 wishing to speak during public comment should sign in at the
35 registration kiosk located outside the meeting room. We accept
36 only one registration per person.

37
38 A digital recording is used for the public record, and,
39 therefore, for the purpose of voice identification, we will call
40 attendance for the council members attending virtually first.
41 After this is completed, members in the room should identify him
42 or herself, starting on my left.

43
44 **MS. BERNADINE ROY:** Dr. Shipp.

45
46 **DR. BOB SHIPP:** Bob Shipp, Alabama.

47
48 **MS. ROY:** Leann Bosarge.

1
2 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
3
4 **MS. ROY:** Phil Dyskow.
5
6 **CHAIRMAN FRAZER:** We'll come back to Phil, if we can, here at
7 the end. Mr. Diaz.
8
9 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
10
11 **GENERAL JOE SPRAGGINS:** Joe Spraggins, Mississippi.
12
13 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
14 Fisheries Commission.
15
16 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
17
18 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.
19
20 **MR. DUGAS:** J.D. Dugas, Louisiana.
21
22 **MR. KEVIN ANSON:** Kevin Anson, Alabama.
23
24 **MS. BOGGS:** Susan Boggs, Alabama.
25
26 **MS. KERRY MARHEFKA:** Kerry Marhefka, and I'm a South Atlantic
27 Fishery Management Council member here as a liaison.
28
29 **LCDR LISA MOTOI:** Lieutenant Commander Lisa Motoi, Coast Guard.
30
31 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries, Southeast Fisheries
32 Science Center.
33
34 **MR. STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
35 Regional Office.
36
37 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
38
39 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.
40
41 **DR. GREG STUNZ:** Greg Stunz, Texas.
42
43 **MR. BOB GILL:** Bob Gill, Florida.
44
45 **MS. MARTHA GUYAS:** Martha Guyas, Florida.
46
47 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
48

1 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council
2 staff.

3
4 **CHAIRMAN FRAZER:** All right. Thank you, everybody. Before we
5 get into the formalities of the agenda and the minutes, I would
6 like to turn the mic over to Mr. Diaz, who is Chair of our Law
7 Enforcement Committee, to help us with the award.

8
9 **MR. DIAZ:** Thank you, Mr. Chair. Just prior to us getting
10 started, I had talked to Mr. Riechers about doing the Law
11 Enforcement Officer of the Year Award. Go ahead, Robin. Thank
12 you.

13
14 **PRESENTATION OF THE 2020 LAW ENFORCEMENT TEAM OF THE YEAR AWARD**

15
16 **MR. RIECHERS:** Thank you, Dale. I certainly appreciate the
17 opportunity to present the award this year. This is the 2020
18 Law Enforcement Officer, or Team, of the Year Award that we
19 present. The award, of course, acknowledges service above and
20 beyond duty requirements and recognizes distinguished service,
21 professionalism, and dedication to enforcing federal fishing
22 regulations in the Gulf of Mexico.

23
24 Certainly I am proud and honored to be able to present that
25 award today to the 2020 Law Enforcement Team of the Year Award
26 to the Texas Parks and Wildlife Department's Division of Law
27 Enforcement Marine Tactical Operations Group.

28
29 To give you a little background of the Marine Tactical
30 Operations Group, it's comprised of five game wardens: Matt
31 Strauss, Carmen Rickel, Travis Haug, Shane Horrocks, and Captain
32 Wesley Groth. This specialized unit is responsible for a broad
33 range of maritime details. including any high-risk incidents
34 requiring a maritime law enforcement response. It also patrols
35 multiday attempts at detective enforcement in our Gulf, and
36 certainly of interest to the Gulf of Mexico Fishery Management
37 Council, the Flower Garden Banks National Marine Sanctuary.

38
39 To give you a little snapshot of the cumulative impacts of their
40 work in 2020, this group seized over 116,860 feet of illegal
41 longline and 2,500 feet of illegal gillnets. The team recovered
42 over 3,600 pounds of illegally-harvested red snapper, rescued
43 and released three sea turtles, and seized two commercial
44 Mexican fishing vessels, and we refer to them as lanchas, and
45 turned those over as well. They continue to protect our state
46 water fisheries, and the team also referred five cases to NOAA
47 Law Enforcement in 2020.

1 Captain Groth couldn't have said it any better, and so I am
2 going to use his own words to describe his team, but include him
3 in there as well. "These hard-working individuals selflessly
4 work endless hours for the betterment and protection of Texas
5 fisheries and national resources. They wholeheartedly believe
6 in the work they do, and they strive to protect our waterways
7 with a positive attitude and professional poise."

8
9 On behalf of the Texas Parks and Wildlife Team that I am
10 representing here, on behalf of the Gulf of Mexico Fishery
11 Management Council and the family of the members that are out
12 there, we want to thank you for your hard work and your
13 dedication to protect the individuals of the State of Texas, the
14 Texas natural resources, and especially for this award, those
15 coastal resources, and the Gulf of Mexico. Thank you very much.

16
17 **IN MEMORY OF DR. JIM COWAN**

18
19 **CHAIRMAN FRAZER:** It's always an exciting time to be able to
20 thank our law enforcement officials, regardless of the state
21 we're in. They do a tremendous job that I think everybody here
22 realizes and appreciates.

23
24 Before we get started, again, into the meat of this, every once
25 in a while, we have some good news here, but we also have some
26 sad news. Dr. Jim Cowan, who affected so many people's lives,
27 particularly in the education space and the fisheries space,
28 passed away recently, and a number of folks in this room and on
29 the council staff have certainly benefited from his tutelage
30 over the years, and they put some words together, and I would
31 like to read them for folks here.

32
33 Dr. James Cowan was a professor, an Abraham Distinguished
34 Professor, of Louisiana Environmental Studies in the Department
35 of Oceanography and Coastal Sciences in the Louisiana State
36 University College of the Coast & Environment. Jim was a
37 distinguished scientist, author, and mentor.

38
39 Over the course of his career, his work resulted in 185
40 published papers, and he mentored dozens of graduate and post-
41 doctoral students at LSU and, previously, at the University of
42 South Alabama and Dauphin Island Sea Lab.

43
44 Jim's research addressed important questions in the fields of
45 fisheries ecology, biological and fisheries oceanography, and
46 biometrics, the results of which often informed important
47 fisheries management decisions. One of his passions was
48 comparing the habitat value of artificial reefs to natural

1 bottom for red snapper, and his work contributed significantly
2 to the information we know about the reef fish communities and
3 habitat at offshore oil platforms in the northern Gulf of
4 Mexico. He was also a leader in applying remote optical and
5 acoustic techniques to study fish ecology.

6
7 In addition to his vast scientific contributions, Jim also
8 contributed significantly to the council process during three
9 decades of service. In the years prior to SEDAR, Jim served on
10 the Mackerel and Reef Fish Stock Assessment Panels, chairing
11 both at different times. Later, he served on the Gulf Council's
12 Scientific and Statistical Committee for fifteen years. He
13 worked on its ABC Control Rule Working Group, and he was Vice
14 Chair of the Ad Hoc Red Snapper Advisory Panel to develop the
15 red snapper IFQ program.

16
17 In professional service beyond the Gulf Council, Jim was
18 appointed to several state and federal agency advisory panels,
19 journal editorial boards, and National Research Council study
20 committees. He also served on numerous National Science
21 Foundation review panels, including its Biological Oceanography
22 and Arctic Natural Sciences Program. Internationally, Jim was
23 selected and served as a U.S. delegate to the International
24 Council for the Exploration of the Sea and Pacific Marine
25 Sciences Organization.

26
27 Jim would tell you that his greatest legacy was the graduate
28 students that he advised that he called his fellow fish-heads,
29 who are now continuing his passion for fisheries biology and
30 conservation around the world and in their own career. The
31 world of fisheries and marine science has lost a wonderful
32 researcher and mentor, and he will be missed greatly.

33
34 I just wanted to reflect on all the contributions that Dr. Cowan
35 made, and I think, again, people really appreciated his efforts
36 and insights and all of his contributions. There might be a few
37 people in this room that wanted to say a few words, and I
38 understand that Andy Strelcheck wanted to have a moment.

39
40 **MR. STRELCHECK:** Thanks, Tom, and thanks for recognizing Jim and
41 all the great work that he accomplished. When I read that, what
42 really resonated to me was kind of the last part, in terms of
43 the impact he made on the students, and I am graduate student of
44 Jim Cowan's, and so it was a great loss to me and my fellow
45 fish-heads, as he called us.

46
47 Jim has had a huge impact on many of our careers, and we know so
48 many people that actually came out of Jim Cowan's lab, and he

1 worked with Bob Shipp at the University of South Alabama, as
2 well as LSU, and so he is going to be greatly missed. He was a
3 great mentor and someone that I learned a lot from, and so I
4 really appreciate the recognition.

5
6 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**
7

8 **CHAIRMAN FRAZER:** Thank you, Andy. Okay. We're going to move
9 on, and we'll first try to adopt the agenda here, and that will
10 be Tab A, Number 3 in your briefing materials. I understand
11 that, before we get stated, that there's probably some additions
12 to the agenda. Dr. Simmons.

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Could we
15 add, under Other Business, just a short update on the call for
16 the proposals we had for shrimp and for gray triggerfish?

17
18 **CHAIRMAN FRAZER:** Okay. We will make that addition. Are there
19 any other additions at this time? Okay. I am not seeing any,
20 and so can I get a motion to adopt the agenda with the addition
21 in the Other Business category?

22
23 **MR. GILL:** Move to adopt the agenda as amended, Mr. Chairman.

24
25 **CHAIRMAN FRAZER:** Okay. We have a motion by Mr. Gill. Is there
26 a second?

27
28 **MR. RIECHERS:** Second.

29
30 **CHAIRMAN FRAZER:** It's seconded by Mr. Riechers. Is there any
31 opposition to adopting the agenda as amended? Seeing none, we
32 will consider the agenda adopted. The second order of business
33 is the Approval of the Minutes, and that will be Tab A, Number 4
34 in your briefing materials. Is there any edits or modifications
35 to the minutes as written? I am not seeing any. Okay. Can I
36 get a motion to approve the minutes as written?

37
38 **MR. RIECHERS:** Move to approve the minutes as written.

39
40 **CHAIRMAN FRAZER:** Okay. We have a motion by Mr. Riechers. Can
41 I get a second?

42
43 **MR. ANSON:** Second.

44
45 **CHAIRMAN FRAZER:** We have a second by Mr. Anson. Is there any
46 opposition to that motion? Not seeing any, we will consider the
47 minutes approved. We're going to go ahead and move right into
48 two presentations, and the first is Describing the Movement

1 Patterns and Discard Mortality of Cobia in the Gulf of Mexico.
2 That presentation will be given by Dr. Streich, and it's Tab A,
3 Number 7 in your briefing materials, and so, Dr. Streich, if
4 you're ready, you can go ahead.

5 6 PRESENTATIONS

7 MOVEMENT PATTERNS AND DISCARD MORTALITY OF COBIA IN THE GULF OF 8 MEXICO 9

10 **DR. MATT STREICH:** Thank you for having me, and I'm happy to be
11 here to share some of our work that we've been doing on cobia
12 over the last year. The co-investigators on this project are
13 Dr. Stunz and Dr. Judd Curtis, who actually recently moved on to
14 the South Atlantic Council.

15
16 I want to start off just by thanking the Gulf Council for
17 funding this project and making this project possible, and the
18 council staff, especially Carrie and Beth, for their clear
19 communications throughout the project, and that really
20 streamlined things and made things easy, and our Harte Research
21 Institute staff for administrative support, and our Center staff
22 with the Center for Sportfish Science and Conservation for their
23 help on the water and getting these fish tagged.

24
25 This project kind of came about because cobia are a stock of
26 concern in the Gulf. The recent SEDAR 28 update suggests that
27 overfishing is occurring and has been for some time, and there's
28 a lot of uncertainty still regarding the Gulf stock, and a lot
29 of those have to do with stock structure, and so I just picked
30 out some pertinent data needs from the SEDAR reports that are
31 pertinent to this project, and one is to evaluate the sub-
32 structure within the Gulf stock, through either tagging or
33 genetics. The second is to conduct tagging studies to determine
34 the southern boundary of the Gulf stock, and that's especially
35 with respect to Mexican and Texas waters.

36
37 Then more discard mortality research, and the current estimate
38 is 5 percent, using the assessments, and that is largely assumed
39 based on commercial logbook data that suggests that most cobia
40 are released in good condition, but an actual estimate has not
41 been directly estimated for cobia.

42
43 Given those needs, the goal of this project was to provide new
44 information on movement, stock structure, and discard mortality
45 of cobia captured in the Gulf of Mexico recreational hook-and-
46 line fishery using advanced tagging technologies. Specifically,
47 the objectives were to examine seasonal movement patterns of
48 cobia and evaluate connectivity between sub-regions of the Gulf.

1 Then, secondly, to estimate the post-release mortality rate for
2 the fish captured in the recreational fishery.

3
4 To achieve those objectives, we used pretty sophisticated tags,
5 popoff satellite archival tags, and these tags, while they're
6 attached to the fish, record data for the time that they're
7 attached, and then, after a pre-determined amount of time, the
8 tag will pop off from the tether, float to the surface, and
9 start transmitting the data to orbiting Argos satellites.

10
11 Then a researcher, like myself, can go on an online portal and
12 download the data, without ever having to retrieve the tag,
13 which is very nice, but, if you do recover the tag, it's also
14 very helpful, because you can recover the complete data archived
15 from the tag, and I was able to do that for several of the tags
16 in this study.

17
18 We used three different models, seventeen total tags for this
19 study, and the miniPATs and sPATs are like this, and they have a
20 more complete sensor suite of depth, temperature, light level,
21 and you can actually get an estimated track for the fish while
22 the tag was attached.

23
24 The mrPATs are a little bit simpler tag, and they are primarily
25 a location reporter, and so, when you program the tag to pop
26 off, it floats to the surface and transmits a location, and you
27 will get a location for that fish at the top of the pop off, and
28 we programmed all of our tags to pop off between late fall of
29 last year and early spring of this year, to try to get an idea
30 of dispersal from the tagging area, which was around Corpus
31 Christi, and also just overwintering habitats during that
32 period.

33
34 The capture and tagging process is quite straightforward.
35 Traditional recreational fishing, artificial lures, live bait,
36 targeting fish at structure. When we brought the fish to the
37 boat, we would net all the fish and use a lipping tool to
38 maneuver them to a tagging cooler, and these fish had their
39 gills submerged for the entire tagging process, and then we
40 inserted an anchor for the satellite tags, and a traditional
41 conventional tag as well, into the dorsal musculature of the
42 fish.

43
44 Then we take the fish back over the side, and, if needed, a
45 little slight revival period, and then we released the fish and
46 crossed our fingers and hoped that the tag pops off, once again,
47 and transmits the data.

48

1 We also recruited some citizen scientists to help tag additional
2 cobia, and we had eighteen private anglers and charter/headboat
3 captains participate, and we gave them tagging kits, and we did
4 get some good additional information from the recaptures and the
5 fish that were actually tagged, and that was a popular
6 involvement of those anglers.

7
8 In total, sixty-four cobia were tagged last year, and forty-
9 seven received dart tags only, and seventeen got the satellite
10 tags. The mean size for all fish was about thirty-two inches
11 fork length, and that ranged from about twenty to fifty inches.
12 The satellite-tagged fish were a little bit larger, and they're
13 having to carry a fairly large tag, and the average size was a
14 little over thirty-seven inches, and I had a cutoff, just kind
15 of judging by what the fish could handle, of a thirty-three-inch
16 fish or bigger could get a satellite tag.

17
18 The whole process, from hooking the fish to releasing the fish,
19 took about seven minutes, on average, and we had a fairly high
20 recapture rate of twelve-and-a-half percent, or eight out of
21 sixty-four fish, between June of last year and June of this
22 year.

23
24 This is a busy table, and I'm not going to go through it line-
25 by-line or anything, but it is in the final report, but, to
26 summarize, the deployments, like many satellite tagging studies,
27 are shortened by tag attachment failure, mortalities, or non-
28 reporting, and so tag attachment failure is when the tether
29 works its way out of the fish, and the tag floats to the surface
30 early and transmits, and so you don't get the full deployment.
31 Mortality, we had one fish that was caught by an angler five
32 days after tagging and was harvested, unfortunately, and so that
33 tag didn't provide much data. Then we had three tags that did
34 not report.

35
36 We did not have any tag attachment failure within the first ten
37 days after tagging, and that's important for the discard
38 mortality population, which I will explain in a little bit more
39 detail later. On average, the tags remained on the fish for 61
40 percent of the scheduled deployment, and we had an overall 82
41 percent tag reporting rate, and so including those three tags
42 that did not report, but 82 percent of the tags did report, and
43 that's right on par with other similar satellite tagging
44 studies.

45
46 Moving into the movements of these fish, this map shows the
47 tagging locations, which are little black circles, mostly
48 centered around Port Aransas, or Aransas Pass, there on the map,

1 and then the popup locations, which are the colored circles,
2 coded by month, and so this is just net movement between the
3 tagging and popoff, and one thing to notice is that, after
4 October, there is a pretty distinct trend of the bluer circles
5 of November, December, and February, of either southward or
6 offshore movement of the fish during those months.

7
8 We had one tag pop off in Mexican waters, and that's Fish 13
9 there on the map, but I am pretty sure that fish was in U.S.
10 waters at the time of popoff, because there were strong
11 southerly currents at the time, and there was a little bit of a
12 delay between when the tag popped up and when the first location
13 was transmitted. Overall, looking at this map, you can kind of
14 see it's a relatively restricted dispersal of these fish,
15 considering either the entire Gulf of Mexico, or even just the
16 western Gulf of Mexico, and it's a pretty small range.

17
18 This is just, again, between tagging and popoff, and so it
19 doesn't exclude the potential for significant movements in
20 between these two events, and so I have some tracks from tags
21 that did allow that, and I will play two on the next few slides.

22
23 This is Fish 4 from the final report, and it was tagged in
24 August, and the tag came off a little early, in mid-October, and
25 the red circle around the point here on this map is kind of --
26 Just think of it as a cone of uncertainty, sort of like a
27 hurricane forecast, and I will go ahead and play this track.

28
29 This is August, and the fish is hanging around. Then it's
30 moving south towards Mexico, and, in late August or early
31 September, it's fairly into Mexico. Then it's moving back north
32 in September, and it's spending some time out near the shelf
33 edge, and then, in October, it's back north of the tagging area,
34 but still the central Texas shelf, and then the tag popped off
35 very close to the tagging location. If you relied just on that
36 popoff data, you wouldn't have seen there were more extensive
37 movements of that fish during that time.

38
39 This next fish is a longer deployment, a full 180 days, and this
40 is Fish 17 from the report. This is moving into November, north
41 of the tagging area. In December, it's still north of the
42 tagging area, and it's starting to move a little south going
43 into January, but then back north again in February.

44
45 We had our Texas freeze in February, and that little jut-out to
46 the shelf edge is right during that time, and then, by early
47 spring, this fish is back right off the tagging region again,
48 and so, again, the popoff data would be tricky and not tell you

1 the true story, but, looking at the range of this, this fish is
2 just -- Over that time period, it's still relatively range
3 restricted, and that's kind of one of the bigger takeaways from
4 this.

5
6 These panels show the sensor data from that tag, the fish we
7 just watched. The depth data is on the top, temperature in the
8 middle, and light-level data from the tag on the bottom during
9 the entire deployment period.

10
11 You can see, during the early fall, that the fish is spending a
12 lot of time in the top thirty meters, or hundred feet, of the
13 water column and has lots of frequent visits to the surface,
14 but, as the temperature starts to decline, the fish starts to
15 use deeper depths more frequently, and you can see the depth
16 graph at the top and there are less visits to the surface. Then
17 the coldest temperatures this fish experienced was about
18 thirteen degrees Celsius, or fifty-five degrees, during
19 February, right around our Texas freeze there, but, throughout
20 this entire period, that fish remained in the U.S. Gulf waters.

21
22 Moving into the post-release mortality estimation, we inferred
23 whether the fish lived or died, survival or mortality, based on
24 the tag sensor data or angler confirmation of harvest.
25 Mortalities that occurred within ten days of tagging we
26 considered post-release mortalities. That ten days is somewhat
27 arbitrary, but, if you include many more days -- The longer the
28 period you use, there is more and more chance of including the
29 natural mortality, say if a shark comes and eats your fish, and
30 you don't want to include some mortality that's not related to
31 the capture event, and so ten days was our threshold.

32
33 We calculated post-release mortality using two different
34 methods, and they are well established in the literature. The
35 first method only considered mortalities definitely inferred
36 from the tag data, and so those three non-reporting tags were
37 not considered in those calculations, and the second method is a
38 little more precautionary, and it's going to have a higher
39 estimate of post-release mortality, because it does include tag
40 attachment failures within the ten-day threshold and the tags
41 that did not report as post-release mortalities.

42
43 Another one of these panels with the depth, temperature, and
44 light level data, and this is just kind of how we evaluate
45 survival or mortality. From this one, you can see, from the
46 depth graph on the top, the tag was moving throughout the water
47 column, but, if you look at temperature in the middle, it's very
48 stable over the first three days after tagging, and the light

1 level also drops very low and stays low for those first three
2 days, and so we determined that this fish was probably eaten by
3 a predator, and the tag was also consumed, and it's a little bit
4 dark inside the belly of the shark or whatever for those first
5 three days.

6
7 The shark, I guess, was able to regurgitate the tag after that,
8 and then you see a normal day and night cycle on the light level
9 data following that, and then the tag is floating at the
10 surface, looking at the depth graph, for three days, and I had a
11 conditional release criteria set, and so, if the tag floated for
12 three days, then it popped its nose cone and transmitted, so it
13 wasn't just floating out there forever. This one was a
14 mortality, and a post-release mortality, considering that this
15 happened so close to the tagging event.

16
17 On the hand, a survivor, and we do see the regular movements
18 throughout the water column, but you also see variation in the
19 temperature graph and the normal day and night cycle and the
20 light level data throughout the tag deployment period.

21
22 Our estimates, moving into those, the first method, not
23 considering the non-reporting tags, and also that one fishing
24 mortality, Fish 12, and that's considered a survivor in these
25 estimates, because the fish was, obviously, healthy and feeding
26 again, and that was, obviously, not related to our first catch-
27 and-release event that we're interested in, and so one out of
28 fourteen, or 7 percent, for that first method, with a confidence
29 interval of zero to 23 percent.

30
31 The second method, if those non-reporting tags are post-release
32 mortalities, it's a little bit higher, at 24 percent, and a
33 pretty wide confidence interval, and the wide confidence
34 intervals are somewhat expected with a relatively small sample
35 size, and those, of course, can become more precise with
36 additional tagging.

37
38 We did have some good info from our recaptures, and we tagged
39 this fish back in June of last year. It was forty-one inches at
40 a nearshore reef off of Corpus Christi. This year, almost
41 exactly a year later, on the same exact structure on the
42 artificial reef, and it was forty-five inches, and I circled the
43 little tag tether on the fish, and so, once the tag pops off,
44 the tether is left, unless it falls out, and so it's always good
45 when reality matches your interpretation of the tag data, and
46 the tag data did suggest that the fish survived, and so that's
47 always good.

48

1 We also got another interesting recapture, and the fish was
2 recaptured within five hours of tagging, and that just kind of
3 supports the notion that these are generally hardy fish.

4
5 Wrapping up here, just some of the key points, net movement is
6 mostly south or offshore after mid-October. Looking at the
7 dispersal from the popup locations and the tracks that I showed,
8 relatively range-restricted movements, especially considering
9 the entire Gulf of Mexico, or even just the western Gulf of
10 Mexico, and not leaving the Texas shelf.

11
12 Fish may remain off the western Gulf of Mexico year-round, and
13 no significant movements into Mexican waters were observed, and
14 that's important and good for U.S. management, because those
15 removals that might be happening in Mexico are not accounted for
16 in the current assessment framework.

17
18 Now, there is the caveat of we had a relatively limited sample
19 size, and so we might have seen more movement into Mexico if we
20 had more tags. With those November and December fish, you don't
21 really know if they kept moving south after the tag popped off.

22
23 This did provide a first direct estimate of post-release
24 mortality for cobia in the Gulf of Mexico, and 7 percent is very
25 close to the SEDAR estimate of 5 percent that is being used, and
26 there are some caveats, again, here. Obviously, the higher that
27 those non-reporting tags truly represent post-release
28 mortalities, and I have to touch on our handling, because our
29 handling probably isn't perfectly representative of the
30 recreational fishery either.

31
32 Our fish probably got a little extra TLC, because we're netting
33 these fish and bringing them to a cooler, and they're not having
34 the air exposure, and their gills are covered with water during
35 the entire tagging process. Also, there were no gaffs involved,
36 and that happens very frequently for undersized fish and things
37 like that, fish that might have to be released.

38
39 I just wanted to touch on handling real quick. The netting is
40 effective, and it did result in a low post-release mortality.
41 We've used the same net for the last -- Over the last year and
42 this year, and we've netted fish up to sixty inches with a net,
43 and, surprisingly, these fish are pretty calm when you don't
44 gaff them.

45
46 We are, fortunately, tagging more fish this year. We have
47 funding to tag twenty-five more this year, satellite and
48 acoustic tags this year, and the acoustic tags are pretty

1 exciting, because the battery life on that is about four years,
2 and so we'll hopefully get some better resolution on movements
3 between sub-regions in the U.S. Gulf where there is
4 infrastructure for receivers and things like that between either
5 just the western Gulf, Texas and Louisiana, or even the central
6 and eastern Gulf.

7
8 I have this last slide here, just to kind of show you that they
9 are calm, and this is straight from the net, and it was brought
10 over the cooler, and I am inserting an acoustic transmitter on
11 this one.

12
13 You cut into their belly and insert the tag, and there's no
14 straps strapped on these fish, and they're just lying there and
15 letting you do what you need to do, and so they are very calm
16 when they're not gaffed, and this is -- A net is a good
17 recommendation for these borderline fish that are right near the
18 size limit, and I see in the draft amendments that there are
19 undersized fish being harvested, pretty substantially, and so a
20 net is a good recommendation there. If there is time, I will
21 take any questions, or talk to you all during a break. Thank
22 you for your time.

23
24 **CHAIRMAN FRAZER:** All right. Thanks, Matt. That was really a
25 very interesting talk, and I will take a few minutes to
26 entertain some questions, if there are any. Go ahead, Dr.
27 Porch.

28
29 **DR. PORCH:** Thank you for this. This was fascinating and
30 interesting, though not completely unexpected that the discard
31 mortality rates are pretty low, and I have two questions. One,
32 your average handling time, or landing time, was like three
33 minutes, and I am just wondering how that compares to a typical
34 angler, and so it gets to your point of whether you treated them
35 with more tender loving care, if you're landing them much faster
36 than someone who is playing it for fifteen minutes or something
37 like that.

38
39 My second question, and probably the more substantive one, is we
40 do see here pretty high site fidelity, but what I don't get a
41 sense of is that the tagging locations were limited, in terms of
42 that sub-population structure, and is it basically a series of
43 little metapopulations that might overlap, or what, because it
44 gets to the management question.

45
46 **DR. STREICH:** Talking about handling and fight times first, I
47 consider our crew pretty experienced, and so we did bring the
48 fish in pretty quick, and, obviously, it depends on the size of

1 the fish and how long it takes to land it, and, really, I think
2 that's probably the main difference between handling in this
3 project, versus the typical recreational angler.

4
5 As far as the site fidelity, that's reinforced with -- It's an N
6 of one, but the one recapture at the same exact same structure
7 tagged a year before in time, that's pretty significant, and
8 then we tried to spread our tags up the Texas coast, and we did
9 try to tag down near Fort Mansfield, and we spent about two or
10 three days there, but we weren't able to tag any, and we spent
11 some time up near Port O'Connor and the central Texas coast, and
12 so, unfortunately, most of our tags did end up near Port
13 Aransas, and a lot of them in state waters as well, and so
14 that's something we're trying to spread tags more, because there
15 is nearshore and offshore populations in South Carolina that are
16 genetically distinct, and so substructure really hasn't been
17 investigated in the Gulf, and it's kind of been overlooked, as
18 far as research is concerned. Thanks.

19
20 **CHAIRMAN FRAZER:** Mr. Diaz.

21
22 **MR. DIAZ:** I am just interested, and you talk about you all
23 netted them, and they are surprisingly calm, and I have often --
24 We've talked about it, and, as a matter of a fact, a charter
25 boat fisherman from Mississippi recently mentioned that he
26 thought that the council should do more to try to encourage
27 people to net cobia, instead of gaff them, and, anyway, your
28 presentation makes me think that might be something good for us
29 to try to do. I don't know that it's something that we should
30 try to regulate, but surely it would help with discards.

31
32 **DR. STREICH:** Yes, and more of a recommendation, and I know that
33 some people don't like to carry nets, but, if you're going to
34 fish for cobia -- From my experience, like just being on some
35 headboats and stuff, I've seen -- Everyone will just get excited
36 because of the cobia, and they will gaff it, and it looks small
37 to me, and it's just get the fish in the boat, especially for
38 these borderline fish, and it seems like harvest of undersized
39 fish is fairly common, based on those drafts that I'm seeing in
40 Draft Amendment 32. We're using a cheap net, a thirty-dollar
41 net, from Academy, just a catfish net or something, and it's
42 lasted for this year and this year.

43
44 **CHAIRMAN FRAZER:** Mr. Banks.

45
46 **MR. BANKS:** Thank you for your presentation. This is
47 interesting stuff. I was curious, and you talked about the low
48 sample size, and I was just curious to know what your limitation

1 was that drove that low sample size. Was it the difficulty in
2 catching fish, or was it the expense of the satellite tags, or
3 what were the driving forces?
4

5 **DR. STREICH:** It was the expense of the tags. These full-blown
6 versions are almost four-grand apiece, and the more simple are
7 \$1,500, and so that's why we had a mix of models, too. If we
8 had, you know, unlimited monetary resources, we would have
9 tagged more.

10
11 **MR. BANKS:** Thank you.
12

13 **CHAIRMAN FRAZER:** Thanks, Matt. That really was a really nice
14 presentation. We've got one more question from J.D. We're a
15 little bit time constrained, but I'm sure that people will have
16 questions after this as well, but go ahead, J.D.
17

18 **MR. DUGAS:** Thank you. Did any of these fish make their way
19 towards the Panhandle of Florida or the Orange Beach area or any
20 of that?
21

22 **DR. STREICH:** No, not from what we saw. I had about four
23 tracks, and three of them are longer tracks, and that first one
24 I showed that went into Mexico, and they're all very similar.
25 It's mostly just off towards Galveston, but mostly just the
26 south and central Texas shelf.
27

28 **MR. DUGAS:** Did any of them make it to Louisiana?
29

30 **DR. STREICH:** No.
31

32 **MR. DUGAS:** Thank you.
33

34 **CHAIRMAN FRAZER:** Of course not, J.D. Why would they go there?
35 Thank you, Dr. Streich. I appreciate it. All right. We're
36 going to move into our next presentation, and it's assessing the
37 influence of sargassum habitat on greater amberjack recruitment
38 in the Gulf of Mexico, and Dr. Hernandez will be giving that
39 presentation.
40

41 **ASSESSING THE INFLUENCE OF SARGASSUM HABITAT ON GREATER**
42 **AMBERJACK RECRUITMENT IN THE GULF OF MEXICO**
43

44 **DR. FRANK HERNANDEZ:** My colleague, Dr. Verena Wang, did the
45 lion's share of the analysis, and so she's going to provide the
46 presentation today, but I'm here as well.
47

48 **CHAIRMAN FRAZER:** Thank you.

1
2 **DR. VERENA WANG:** First off, I would like to thank the Gulf
3 Council both for supporting this work and for inviting us here
4 to share some of our findings. Before I get started, I would
5 like to acknowledge our collaborators on this project: Glenn
6 Zapfe from the Plankton Unit at the Southeast Fisheries Science
7 Center in Pascagoula and also Chuanmin Hu and Menqui Wang at the
8 University of South Florida Optical Oceanography Lab.

9
10 These collaborators are responsible for developing the sargassum
11 habitat indices that I will be talking about today, and I would
12 also like to thank the Gulf of Mexico greater amberjack SEDAR
13 team for sharing their results and to Josh Kilborn, who is also
14 on a council-funded project at the University of South Florida,
15 for taking the lead on communication and data sharing with the
16 SEDAR folks.

17
18 The project that I'm going to be talking about today aims to
19 assess the influence of sargassum habitat on greater amberjack
20 in the Gulf of Mexico, and so I would like to start here with a
21 little bit of background about sargassum. Sargassum is a brown
22 algae complex is that holopelagic, and so that means that it's
23 pelagic throughout its entire life cycle, and it's composed of
24 two different species, sargassum natans and sargassum fluitans.

25
26 Sargassum is found in the western and north Atlantic, including
27 in the Gulf of Mexico, and sargassum is free floating in oceanic
28 waters, and it is transported within and between ocean basins by
29 surface currents and winds, which is to say that the form and
30 the location and the abundance of sargassum is always shifting,
31 and it can be pretty difficult to predict, and also to quantify.

32
33 Sargassum can aggregate in large mats, like you see in the
34 picture on the right with entire stern of the ship, and that's
35 USM's R/V Point Sur, and it's surrounded by a field of floating
36 sargassum, or, in the picture on the bottom left, sargassum can
37 aggregate into what are called weed lines, where wind-driven
38 water circulation cells converge and create kind of a distinct
39 feature like that.

40
41 One of the most important functions of sargassum is that this
42 floating mass of algae provides structure in what is otherwise a
43 pretty featureless open ocean, and so the sargassum itself can
44 become encrusted with epibiota, like hydroids or bryozoans and
45 other algae, all of which provide the base for a sargassum
46 community, and that includes things like grazing invertebrates
47 and fishes that feed and live directly on the sargassum, which,
48 in turn, really supports a very diverse assemblage of juvenile

1 fishes.

2
3 Sargassum functions as a presumed nursery habitat, where
4 juvenile fishes can use the structure as refuge from predators
5 as well as a source for feeding opportunities, and so sargassum
6 communities are considered to be a hotspot for biodiversity and
7 productivity, and, for this reason, it's considered to be
8 essential fish habitat.

9
10 One species that is likely to use sargassum as a nursery habitat
11 is the greater amberjack. Adults and sub-adults of this species
12 are associated with structured bottom habitat, as most of you
13 know, like reefs and wrecks, and this species supports important
14 commercial and recreational fisheries in the Gulf, but juvenile
15 and young-of-the-year greater amberjack use a completely
16 different habitat than adults, and they are associated with
17 pelagic sargassum.

18
19 Previous studies in the northern Gulf have found that greater
20 amberjack live in and around sargassum for the first five to six
21 months of life, where they feed on zooplankton and other small
22 invertebrates, and it's at this place that they experience rapid
23 growth. Juvenile greater amberjack are found in sargassum
24 habitat when they are at sizes of about one inch in length to
25 about eight inches in length, and, above that size, they are
26 generally not found in the sargassum anymore, and this is
27 presumably when the juveniles begin a rapid transition from this
28 pelagic habitat to the demersal reef habitat, where they spend
29 the rest of their lives, and where catches from the greater
30 amberjack fishery start at about twelve inches in length.

31
32 Within the Gulf of Mexico, amberjack saw a huge rise in landings
33 in the mid-1980s, and the stock was declared overfished in 2001
34 and has been undergoing a rebuilding plan since 2003, and the
35 most recent SEDAR effort, which was conducted just last year,
36 found that Gulf of Mexico greater amberjack were still
37 overfished and still undergoing overfishing, and recruitment,
38 which is shown in the left panel, has fluctuated a lot, with a
39 peak in the late 1990s, followed by a general trend of decline,
40 and a similar trend is seen in biomass on the right, which has
41 shown fairly steady declines, and the biomass in the terminal
42 year for this SEDAR, which is 2018, is predicted to be only 10
43 percent of the unfished spawning stock biomass.

44
45 Despite these declines and the importance of the species to Gulf
46 of Mexico fisheries, there is still pretty limited information
47 about greater amberjack population dynamics, and a better
48 understanding about the early life history stages of greater

1 amberjack, including larval and juvenile stages, could really
2 help to improve future population assessments.

3
4 For our research here, we wanted to focus on indicators of early
5 life stages, meaning the larvae and the juveniles, and their
6 ability to inform greater amberjack population assessments. In
7 particular, we wanted to know if sargassum abundance, and we
8 know that sargassum means juvenile habitat, but if sargassum
9 abundance could be a predictor of amberjack recruitment or
10 abundance, and so can sargassum abundance serve as a fishery-
11 independent recruitment index, and does a good sargassum year
12 mean that it's going to be a good year for amberjack
13 recruitment.

14
15 We also wanted to ask whether larval abundance was associated
16 with amberjack recruitment, and so larval indices are often
17 incorporated into stock assessments, as kind of fishery-
18 independent estimators of early life history stages, and they
19 have been used in other Gulf of Mexico assessments, including
20 for red snapper and for king mackerel, but these indices haven't
21 been developed yet for greater amberjack.

22
23 To conduct these analyses, we looked at multiple time series of
24 fish and habitat data in the Gulf of Mexico, and so, to
25 represent juvenile habitat, we examined indices of sargassum
26 abundance, including both remotely-sensed and vessel-based
27 sargassum measures, and we also developed indices of larval
28 abundance, and I will talk about both of those types of indices
29 more in the next few slides, but, for those, we had examined
30 both regional and seasonal variation in these early life
31 indices.

32
33 We then compared these indices to estimates of abundance from
34 the SEDAR 33 update from 2016, and these abundance estimates
35 included estimates of age-zero recruits in both fishery-
36 dependent and fishery-independent estimates of abundance,
37 including abundance estimates from the commercial longline,
38 commercial handline, and recreational headboat fisheries, and
39 also from the SEAMAP video surveys.

40
41 Just as a note, SEDAR 70 for greater amberjack in the Gulf of
42 Mexico was in progress at the time of these analyses, but it
43 wasn't completed quite in time for our work here, and so we just
44 proceeded with the 2016 update.

45
46 The two types of sargassum indices that we used here were
47 developed as part of a NOAA RESTORE-funded sargassum project
48 involving the collaborators that I mentioned at the beginning of

1 the talk, and so quantifying sargassum abundance is difficult,
2 because of its ephemeral nature, and the hope here is that these
3 indices can be used to inform questions about fish ecology and
4 about the nursery role of sargassum.

5
6 The first type of sargassum habitat index that we used was
7 developed by the folks at the USF Optical Oceanography Lab, and
8 it's a remotely-sensed index that was derived from field-
9 validated satellite reflectance observations and also -- in the
10 water column. Using the satellite data, we have estimates of
11 area coverage and of biomass of sargassum at multiple spatial
12 and temporal scales from 2000 to 2019, and analyses that I will
13 be showing you today really focus on sargassum area coverage.

14
15 The second type of sargassum habitat index we used was vessel-
16 based, and so these indices were developed based on volumetric
17 measurements of sargassum that was physically caught on nets
18 during SEAMAP ichthyoplankton surveys in the northern Gulf.
19 SEAMAP began quantifying sargassum catch in 2003, and so we have
20 this index for the years from 2003 to 2019, and a vessel-based
21 index of sargassum abundance was developed using a delta
22 lognormal model, which I'll talk about a little bit more when I
23 discuss the larval indices.

24
25 The two types of sargassum habitat indices, and so both the
26 remotely-based and the vessel-based, were compared to one
27 another at multiple spatial and temporal scales, and we found
28 that the best agreement between sargassum index types was at the
29 scale of the seasonal SEAMAP survey polygon, and so, in the maps
30 that you see on the left, the fall and summer survey polygons,
31 and so at the top in purple, and the bottom in green, and the
32 fall and summer surveys cover the continental shelf of the
33 northern Gulf, and the spring survey polygon, which is in the
34 blue, in the middle, covers the offshore waters.

35
36 This regional and seasonal scale showed good agreement between
37 the field-based and satellite-based sargassum indices, and
38 comparisons were also made between daily, weekly, and monthly-
39 derived sargassum indices, and also at both onsite and near-site
40 spatial scales, but the agreement at these scales was typically
41 pretty poor, and so the analyses that I am showing you are using
42 just seasonal survey polygon scale.

43
44 The two types of sargassum habitat indices we just kind of
45 summarized here, and so what we see is that, overall, in the
46 left panel, for the remotely-sensed indices, the spring polygon,
47 which covers the offshore waters, had the largest area coverage
48 of sargassum overall, in that very left portion of that left

1 boxplot, and that was followed by the area coverage on the shelf
2 in the summer, and the lowest and least variable sargassum area
3 coverage was found during the fall months on the shelf, and, on
4 the right, when we examined these same general patterns in
5 vessel-based indices among seasons, the variation patterns were
6 a lot less clear.

7
8 Those were the two sargassum habitat indices. As I mentioned
9 previously, larval abundance indices are pretty commonly used to
10 inform stock assessments, but they haven't been developed yet
11 for Gulf of Mexico greater amberjack, and the main reason for
12 this is that amberjack larvae aren't identified to the species
13 level in Gulf of Mexico ichthyoplankton surveys.

14
15 They are identified to the genus level as *seriola*, which
16 includes four species in the Gulf. Greater amberjack, which is
17 on the bottom right there, and then the three species above that
18 make up the other jacks complex, which includes banded
19 rudderfish, almaco jack, and lesser amberjack. Despite these
20 taxonomic resolution issues, we thought it would be a useful
21 exercise to develop a *seriola* larval abundance index and to see
22 if a genus-level index could still inform stock assessments.

23
24 On the maps on the left there, the red dots show where *seriola*
25 larvae have been caught in the seasonal SEAMAP ichthyoplankton
26 surveys, and that's in relation to the blue dots that show all
27 sampling locations, and so, just like for the previous sargassum
28 habitat indices, the spring surveys are focused in offshore
29 waters, and, in the fall and the summer, sampling is focused on
30 the shelf.

31
32 We developed a *seriola* genus-level larval abundance index from
33 SEAMAP ichthyoplankton survey data, and we did this separately
34 for each of the sampling seasons that I just mentioned, and so
35 SEAMAP larval surveys have been conducted from 1982 to 2016, and
36 so we developed an index for that time period, and we used a
37 delta lognormal model here, which is common for data like this
38 that contains a lot of zeroes, and it's the same type of model
39 that was applied for the vessel-based sargassum index.

40
41 What we did was we separately accounted for both presence and
42 absence data using a binomial model and then for abundance and
43 just positive catches only using a lognormal model, and year and
44 month and time of day and region were also factored in here.

45
46 I am showing you, on the left, just the results for just spring
47 plankton and fall plankton larval abundance indices, where year
48 is shown along the Y-axis, and so in the time series, and then

1 on the Y-axis is our estimates of seriola larval abundance for
2 that year, and we can see that, between those two seasons, there
3 is quite a lot of variability in the abundance of seriola
4 larvae, both interannually and between seasons, in the Gulf.

5
6 Now that we have all of our indices developed, I am just going
7 to show you some of our findings that we have found to be most
8 interesting, and so, when we looked at the relationship between
9 the spring seriola larval abundance and the estimates of age-
10 zero amberjack recruits for the full timeframe of the available
11 data, and so from the mid-1980s to 2016, the correlation between
12 larvae and the recruits is pretty weak, and so this on the top-
13 left figure there, where the blue lines are larval abundance and
14 the black lines are age-zero recruits.

15
16 We can also see areas in the time series where there is a pretty
17 clear pattern of agreement, and so what we did was we analyzed
18 the truncated time period of interest from 1990 to 2001, which
19 is highlighted in red and blown up a little bit on the right
20 there.

21
22 When we look at just this truncated time series that's about a
23 decade long, we see a really strong correlation between seriola
24 larval abundance in the spring, and remember that's seriola
25 larvae that are found offshore, and between age-zero greater
26 amberjack recruits.

27
28 Moving on to what we found with some of the habitat sargassum
29 indices, we found that vessel-based sargassum abundance indices
30 during the summer were strongly correlated with greater
31 amberjack recruits, and so, again, here the black lines are age-
32 zero recruits, and the blue lines are the vessel-based sargassum
33 index, and so there was a strong correlation between the two,
34 and there was a strong positive effect of summer sargassum
35 abundance on recruitment, and recall that summer sargassum
36 habitat indices are focused on the shelf.

37
38 Additionally, we saw a pretty striking correlation between
39 remotely-sensed fall sargassum habitat indices and greater
40 amberjack recruitment, where we can very clearly see a pattern
41 of recruitment variation in the black line on the left that
42 follows a variation in sargassum area coverage in the blue, and
43 so there was also a positive effect of remotely-sensed sargassum
44 area coverage on recruitment here, although these patterns were
45 only marginally significant, and, again, sargassum indices in
46 the fall, just like the summer indices on the previous slide,
47 are all focused on the shelf region.

48

1 Overall, we found that greater amberjack recruitment was
2 positively correlated with both summer and fall sargassum
3 indices, both of which provide estimates of sargassum habitat
4 availability on the continental shelf.

5
6 Additionally, we found that spring sargassum indices were never
7 correlated with greater amberjack recruitment, and this is
8 despite the spring having the most sargassum, but recall that
9 spring habitat indices encompass the offshore regions of the
10 northern Gulf, and, so, together, these findings suggest that
11 the timing and location of habitat availability may be pretty
12 important, and so greater amberjack spawn in the late spring and
13 early summer, and the larvae spend about a month in the plankton
14 before transitioning to juveniles.

15
16 Our results suggest that the juveniles can -- If the juveniles
17 can encounter and use shelf sargassum habitat that's available
18 through the summer and the fall, they may have increased
19 opportunity to recruit back to the pretty nearby structure
20 bottom habitat on the shelf.

21
22 We also saw the potential for larval abundance indices to be
23 informative for future stock assessments. Within certain
24 timeframes, we saw good correlation between larvae and recruits,
25 but not always, and remember that these are genus-level larval
26 indices that encompass four different species of seriola, and so
27 it's possible that variation in agreement could be due to
28 fluctuating proportions of each species within the genus-level
29 seriola catch, and so we think that, with increased taxonomic
30 resolution of larval surveys, the larval indices could actually
31 be pretty informative for fisheries management.

32
33 Finally, the abundance indices, both fishery-dependent and
34 independent, are based on larger individuals that have already
35 recruited to the fishery, and those were almost never correlated
36 with sargassum habitat availability, and so I didn't show you
37 any of those results here, but what this really tells is that
38 sargassum habitat is most important for the early life stages of
39 greater amberjack, and it really reinforces that nursery role of
40 sargassum.

41
42 The relationships, overall, between sargassum habitat and
43 recruitment were quite variable, although we know that sargassum
44 is important for juvenile development, and this variability
45 really highlights the complex nature of using habitat to predict
46 abundance, and so we're currently working on developing ideas
47 for future ways to incorporate early life history into
48 evaluations of greater amberjack populations. With that,

1 thanks, again, for having us, and Frank and I will be happy to
2 take any questions you might have, if there's time.

3
4 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Wang and Dr.
5 Hernandez, for a really, really nice presentation, and I'm sure
6 we'll have a couple of questions. I see Kevin Anson has his
7 hand up.

8
9 **MR. ANSON:** Thank you. Thank you for the presentation. That
10 issue of larval identification, species identification, is
11 interesting, and I'm wondering -- Is the data available, or the
12 gear used for the historical data, and does that also capture
13 post-larval fish, because I understand that there is some -- The
14 greater amberjack, at least, transition from sargassum to bottom
15 habitats at around four to six inches, if I remember correctly,
16 and so there is, I think, an opportunity, maybe, for
17 identification of fish down to species level and if that would
18 maybe provide a little bit more information, or resolution, to
19 the question at-hand specific to greater amberjack, and so I'm
20 just curious if the data would support that type of analysis.

21
22 **DR. WANG:** That's definitely an interesting question, and so
23 what's captured in the SEAMAP ichthyoplankton surveys are really
24 just larval fishes and very early juveniles, and so I would say
25 things that are less than an inch in size, and it's a pretty
26 limited look at this, and so we're really not capturing those
27 larger juveniles where it might be easier to differentiate
28 between the species.

29
30 As far as the sizes that are associated with sargassum, they
31 typically arrive at the sargassum -- The sizes that are caught
32 there start at about an inch in size, which is pretty small,
33 maybe right after they transition from being in the plankton
34 itself to being associated with that sargassum habitat, and they
35 stay there until they're six or seven or eight inches long, at
36 the very largest, before they kind of move on to that next
37 habitat, but, yes, it would be great if we could have better
38 resolution with that really long time series of data that we
39 have.

40
41 **CHAIRMAN FRAZER:** Okay. Is there any other questions for Dr.
42 Wang? I am not seeing any at this time. Again, Dr. Wang and
43 Dr. Hernandez, thank you very much for taking the time out of
44 your very busy schedules to provide this presentation. It was
45 really interesting.

46
47 I guess we will take a little bit of a break right now, so we
48 can get prepared for our public comment period, and so it's

1 about a quarter to three right now, and we'll come back at about
2 2:55.

3

4

(Whereupon, a brief recess was taken.)

5

6 **CHAIRMAN FRAZER:** If we can get everybody back to the table, we
7 will move on to the public testimony. All right. Good
8 afternoon, everyone. Public input is a vital part of the
9 council's deliberative process, and comments, both oral and
10 written, are accepted and considered by the council throughout
11 the process.

12

13 The Sustainable Fisheries Act requires that all statements
14 include a brief description of the background and interest of
15 the persons in the subject of the statement. All written
16 information shall include a statement of the source and date of
17 such information.

18

19 Oral or written communications provided to the council, its
20 members, or its staff that relate to matters within the
21 council's purview are public in nature. Please give any written
22 comments to the staff, as all written comments will be posted on
23 the council's website for viewing by council members and the
24 public and will be maintained by the council as part of the
25 permanent record.

26

27 Knowingly and willfully submitting false information to the
28 council is a violation of federal law. We will welcome public
29 comment from in-person and virtual attendees. Anyone joining us
30 virtually that wishes to speak during public comment should have
31 already registered for comment online.

32

33 Virtual participants that are registered to comment should
34 ensure that they are registered for the webinar under the same
35 name that they used to register to speak. In-person attendees
36 wishing to speak during public comment should sign-in at the
37 registration kiosk located outside the meeting room. We accept
38 only one registration per person.

39

40 Each speaker is allowed three minutes for their testimony.
41 Please note the timer lights on the podium or on the webinar.
42 They will be green for the first two minutes and yellow for the
43 final minute of testimony. At three minutes, the red light will
44 blink, and a buzzer may be enacted. Time allowed to dignitaries
45 providing testimony is extended at the discretion of the Chair.

46

47 If you have a cell phone or similar device, we ask that you keep
48 them on silent or vibrating mode during the meeting. Also, in

1 order for all to be able to hear the proceedings, we ask that
2 you have any private conversations outside, and please be
3 advised that alcoholic beverages are not permitted in the
4 meeting room. We are going to take comments from folks that are
5 in here in person as well as those online, and we'll alternate
6 through, to give enough time for preparation on our end, and so
7 our first speaker will be Chris Blankenship

8
9 **PUBLIC COMMENT**

10
11 **MR. CHRIS BLANKENSHIP:** Good afternoon. I'm Chris Blankenship,
12 and I'm the Commissioner of the Department of Conservation and
13 Natural Resources in Alabama, and I'm here today on behalf of
14 Governor Kay Ivey. I'm glad to be here this week, and it's been
15 good to see so many of my friends, my good friends on the
16 council and others in the hallway and in the audience, and it's
17 also good to have met several of the new council members this
18 week that have been appointed since I've moved into a broader
19 role of natural resource management in our state.

20
21 Before I make comment, I would like to congratulate Andy on his
22 official appointment as the Regional Administrator. I have high
23 hopes for you and Clay, that you will do good work and move your
24 agency forward to a better place, and I'm glad to have you in
25 your positions.

26
27 Red snapper management is extremely important to the State of
28 Alabama and to all of you. In my twenty-eight years of
29 fisheries management, we have spent more time, money, effort,
30 blood, sweat, and tears on this one species than all of the
31 other species in the Gulf combined.

32
33 I went to work on a charter boat when I was fourteen years old,
34 and I've been around this fishery ever since. Although the
35 stock is in the best shape it's been in my lifetime, with an
36 overfishing limit of over 25.6 million pounds, we still hear,
37 this week, of possibly taking away fish from fishermen and
38 further constraining the catch at even less than current levels
39 and much less than optimum yield. To me, that's unbelievable.

40
41 I will make a few comments about the issue of red snapper data
42 calibration, but, first, I would like to make a couple of other
43 comments concerning red snapper. There are many moving parts
44 with red snapper management. There are five state catch
45 monitoring systems, and there's the MRIP CHTS estimate, the FES
46 catch estimate, the SEDAR 52 assessment and an update to that
47 assessment, and there's the current research track assessment
48 underway, and the Great Red Snapper Count is nearly finalized,

1 which has concluded that there is a far larger biomass of red
2 snapper than anyone previously thought existed.

3
4 The Great Red Snapper Count was funded through a \$10 million
5 appropriation from Congress and utilized the best methods known
6 to science to estimate the population of this critically-
7 important species. Alabama Senator Richard Shelby was
8 instrumental in this funding, because he knows how important
9 this fishery is, not only to Alabama, but to all of the Gulf
10 states.

11
12 It's not that other assessments were bad or totally inaccurate
13 or inadequate, but it's that, for once, we have the unusual
14 combination of adequate financial resources and the brightest
15 fisheries scientists working in concert to produce a complete
16 fishery-independent look at the red snapper biomass across the
17 stock's entire range, including the unstructured bottom. Not
18 just what was caught by fishermen targeting certain areas, or
19 what can be gleaned from sporadic research and data collection,
20 but a true picture of the population.

21
22 The state, federal, and academic fisheries scientists who work
23 on developing and implementing the methods and data collection
24 efforts used in this study are truly a who-is-who of fisheries
25 science.

26
27 The data was conducted across the entire Gulf at the same time,
28 providing a unique and valuable dataset that is almost never
29 available to scientists or fisheries managers. The data from
30 the Great Red Snapper Count, as well as other state-funded
31 surveys, should be incorporated into the research track
32 assessment that is currently underway.

33
34 We need to move to a true fishery-independent red snapper stock
35 assessment, a population estimate, and we can do that now. We
36 need to move to that. The State of Alabama, like many states,
37 has invested heavily in obtaining fisheries-independent data to
38 drive management decisions, and we agree with the leading
39 scientists in the field that this is the direction that we need
40 to move for future assessments.

41
42 While I'm on that subject, the assessment needs to be done in a
43 way that can be used for management. We are currently managing
44 by region, or state, under Amendment 50. I've heard that a
45 recommendation was provided by the stock ID working group to
46 divide the Gulf into three regions: the western Gulf, including
47 Texas and Louisiana; the northern Gulf, including Mississippi,
48 Alabama, and the Panhandle of Florida; and an eastern Gulf

1 region, including the peninsula of Florida.

2
3 Why would there be an assessment that breaks it someplace other
4 than the state boundary if we're managing by the state boundary?
5 That makes absolutely no commonsense. Assessments are not done
6 for science's sake. They are done to be used for management.
7 If an assessment is done in some method counter to the current
8 or planned management regime, I have to wonder if that's being
9 done to dictate to the council, or to the fisheries managers,
10 what type of management has to be done in the future.

11
12 For instance, if the regions in the assessment are not aligned
13 by state boundary, some can say that we can't use this new
14 research track assessment results for state management that was
15 set under Amendment 50 because it doesn't fit. Now is the time
16 to make sure the assessment is done right, even if it takes a
17 little more work or takes a longer. Right is right, and this is
18 the most contentious and important species we deal with. We
19 have to do this right.

20
21 Several of the leading scientists on the SSC panel had asked for
22 NMFS SEDAR to explore different options for drawing an east/west
23 split. Despite their concerns, it seems that they appear to be
24 proceeding with their plan already. All the scientists ask is
25 that we explore the best option. NMFS had said it would be too
26 much work. This is one of the most important fisheries in the
27 nation, and so we have to find the time to do this right.

28
29 Back to the issue of calibration. In 2021, final action of the
30 Gulf of Mexico red snapper data collection, data calibration,
31 and recreational catch limit framework action was taken by this
32 council. The preferred alternative voted on by you was to
33 implement calibration, but to delay that action until 2023,
34 because of all the moving parts that I have previously
35 mentioned.

36
37 Once the SSC recommended moving the OFL to 25.6 million pounds,
38 I think the prudent move would have been no action until the
39 Great Red Snapper Count and the new assessment were sorted out,
40 but the preferred alternative to delay until 2023 was the next-
41 most appropriate measure.

42
43 If calibration is implemented, the recreational quota goes from
44 4.2 million pounds to essentially 3.7 million pounds. We all
45 lose 500,000 pounds of fish for no reason. Why, when the stock
46 is as strong as it has ever been in the last fifty years, would
47 you take away a half-million pounds from harvest?

1 This change would cause 194,000 fewer red snapper to be
2 harvested in Alabama and cost more than \$16 million per year to
3 Alabama's economy unnecessarily. According to the framework
4 action document, there is a \$49 million overall economic loss
5 over the first three years of the calibration change. More than
6 \$45 million of the \$49 million economic loss over those three
7 years is an impact to Alabama. Let me repeat that. Of the \$49
8 million negative economic impact from the calibration, \$45
9 million of that impact affects one state, Alabama.

10
11 That's blatantly unfair to one state, my state, and its
12 fishermen, when the stock is in a much healthier state than
13 previously thought.

14
15 Congress directed NOAA, in the 2021 budget, that, prior to
16 making any management changes, they needed to address which data
17 system provides the best estimates of catch and provided \$2
18 million in that budget to do three things. One was to hire a
19 third-party, non-government entity to evaluate the accuracy and
20 precision of the state programs and the MRIP system. Two was
21 they were to recommend improvements to the federal and state
22 programs, and, three, based on one and two, is they were to
23 decide how best to calibrate to a common currency. Congress has
24 spoken, and this needs to be done before any changes are made in
25 calibration.

26
27 The OFL is now 25.6 million pounds with a 40 percent buffer. We
28 are in no danger of exceeding the OFL, no matter what. Alabama
29 has been estimating the population of red snapper off of our
30 coast for almost nine years, and the private recreational quota
31 for Alabama, 1.22 million pounds, when combined with harvest
32 from the federally-permitted charter boats and the commercial
33 vessels, that total harvest is right at 10 percent of the
34 fishing mortality that NMFS has designated as a sustainable goal
35 for management of this fishery.

36
37 In closing, we have a population estimate that proposes that
38 there are over 110 million red snapper in the Gulf. We have a
39 new research track red snapper assessment underway. We have
40 increased the OFL to more than twenty-five million pounds, and
41 we are in danger of overfishing it.

42
43 We have a new National Academy of Science report that says that
44 the MRIP is not adequate for in-season management, the same
45 conclusion that the National Academy of Science came to four
46 years ago, and we have the five state surveys that are being
47 used as we speak. Alabama is not using more than 10 percent of
48 the biomass off of its shores, and the fishery is in great

1 shape, and growing.

2
3 Why would we cherry-pick one issue, like calibration, and lower
4 the catch and quota for a short time, when it's obvious to all
5 that the population is larger than previously thought and that
6 the assessment underway will show an increased quota for the
7 future? Again, it makes no commonsense to focus on one old,
8 tired issue at the expense of all the other data and information
9 that's out there.

10
11 We have some great science coming out, new recommendations from
12 the National Academy of Science, and the stock is not in
13 jeopardy. We have the time to do this right. Thank you for
14 your patience and for giving me some extra time to express the
15 position of Governor Ivey from the State of Alabama and the
16 Department of Conservation from our state, and I will be around
17 to answer questions, or take any questions now, or I can always
18 be reached by email or phone. Thank you so much, and it was so
19 good to see you all.

20
21 **CHAIRMAN FRAZER:** Thank you, Mr. Blankenship. We have a
22 question from Dr. Stunz.

23
24 **DR. STUNZ:** Well, thank you, Chris, for those comments. I
25 wanted just to add a comment to something along the lines of
26 what you mentioned. One, the Great Red Snapper Count report is
27 in, and it is finalized, and we have addressed -- After the peer
28 review process, the team addressed all the concerns in a way
29 that I feel is very, very substantive and good. Andy's office,
30 and Clay's office, and, of course, the council office, has that
31 report now, and it's ready to be integrated into the system.

32
33 One component to that that spurred my mind when you brought it
34 up is we spent a lot of time doing an ecoregion assessment of
35 how the ecoregions lay out in the Gulf of Mexico, and it was
36 outside of the abundance estimate, and it was just important for
37 us to be able that study, and those ecoregions fall right in
38 line with the three regions you're talking about, sort of a
39 Texas/Louisiana, but the split where your region would be was
40 the split right off of that Alabama/Florida border there, and
41 that's where the ecology shifts.

42
43 Not only do you have the jurisdictional justification for that,
44 but you also have the ecological justification, in terms of the
45 way the Gulf of Mexico geologically is there, and so that may be
46 something that your team might want to look at, is -- It's
47 buried in an appendix in that report, but, nonetheless, it's
48 relevant to what you're talking about.

1
2 **MR. BLANKENSHIP:** Thank you. I love it when the science lines
3 up with commonsense and what we ought to be doing. That's
4 wonderful.

5
6 **CHAIRMAN FRAZER:** All right. General Spraggins.

7
8 **GENERAL SPRAGGINS:** Mr. Blankenship, thank you very much for
9 your testimony. One thing you did mention is you mentioned \$49
10 million, and could you emphasize that again? Was that in the
11 first three years?

12
13 **MR. BLANKENSHIP:** Sure. In the first three years, if you look
14 in the document, and I think it's in Section 5, somewhere
15 towards the back, in the economic impacts of the recalibration,
16 there's a \$49 million economic impact over the first three years
17 after the calibration. When you look at that, the state that it
18 impacts the most, of course, is Alabama, and \$45 million of the
19 \$49 million negative economic impact is to our state.

20
21 **GENERAL SPRAGGINS:** Thank you very much. I did not know those
22 numbers. Thank you.

23
24 **MR. BLANKENSHIP:** Yes, sir.

25
26 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Blankenship. I
27 appreciate it.

28
29 **MR. BLANKENSHIP:** Thank you, all.

30
31 **CHAIRMAN FRAZER:** We will move to our next speaker, and, as I
32 said before, we'll alternate between those that are in-person
33 here and those that are online, and so the next speaker would be
34 Mr. Lawrence Marino.

35
36 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,
37 and I'm here on behalf of Louisiana Attorney General Jeff
38 Landry. The IFQ program has been successful in managing the
39 fish stocks, but Magnuson also requires allocating fishing
40 privileges among fishermen fairly and providing for fishing
41 community's sustained participation in fishing, and the IFQ
42 program has not been nearly as successful in these regards.

43
44 Amendment 36B addresses these problems by limiting shares to
45 those with reef fish permits. This is only a first step, but
46 limiting rights to the fish to those who can fish at least
47 begins to restore fishing communities and fairness to fishermen.

1 Under Action 1, the current Preferred Alternative 5, we exclude
2 nearly half of the accounts with shares, and we exclude them
3 from this requirement, 327 without permits versus 369 with.
4 This would create a complicated patchwork of rules and
5 management problems, as we've heard, but, worse, it's
6 unnecessary.

7
8 The reasons given for it are that people invested in reliance on
9 being able to keep the shares. They shouldn't have. It's
10 clear, from the outset, that they had no property right to the
11 shares, but, regardless, they can still recoup their investment
12 by selling the shares during a three-year safe harbor that is
13 already being considered.

14
15 The council should reconsider Alternative 2 instead, to avoid
16 the exceptions swallowing the rule. Additional steps can, and
17 should, be taken in Amendment 36C. Its purpose is broad, but
18 it's also clear. It's to assist new and small fishermen, to
19 reduce discards, and to increase access to the fish by active
20 fishermen. What's less clear is how the amendment will go about
21 this.

22
23 First, there should be an income requirement and not just a
24 permit requirement. Shares should be limited not only to those
25 who can fish, but those who do fish. After that, Amendment 36C
26 should address where the shares would come from. For example, a
27 percentage of shares could be reclaimed each year, and this was
28 included in an earlier draft of Amendment 36C, and I'm really
29 not sure where that went. Instead, the current draft includes
30 retaining allocation above certain thresholds. Either way, some
31 action to balance fishermen's access to the fish is needed, and
32 shares should be reclaimed at the death of the original
33 shareholder.

34
35 They are the public's fish, and the public, and not genealogy or
36 estate planning, should determine who gets them, and then the
37 amendment can go on to address where the shares will go. A lot
38 more work is obviously needed on that, but simply redistributing
39 shares to existing shareholders is not the way to do it.
40 Whatever you call it, something like a quota bank is needed,
41 and, for any distributions, there should be a charge, and,
42 importantly, that charge should be reasonable, so as to enable
43 fishermen to make a reasonable living, which isn't the case
44 today. Thank you very much.

45
46 **CHAIRMAN FRAZER:** Thank you, Mr. Marino. Okay. Our next
47 speaker would be Charlie Bergmann. Mr. Bergmann.

48

1 **MR. CHARLIE BERGMANN:** Good afternoon. My name is Charlie
2 Bergmann, and I'm here representing myself, and I've got a few
3 comments that I would like to make. On 36B, I would like to see
4 the requirement for reef fish permits for shareholder accounts.
5 I do recognize that there needs to be some sort of a phase-in
6 program for people who have deaths in the family and
7 inheritance, but, when they take possession of that permit
8 allocation, they now have to go get -- They would have to go and
9 get a reef fish permit.

10
11 There should be some sort of a time period, and I know it's been
12 recommended that it could be anywhere from one to three years,
13 and I am not quite sure how long it takes to probate an estate
14 for something like that, but I think maybe three years might be
15 the optimal time.

16
17 As far as the share allocation that was brought back into
18 National Marine Fisheries Service, I think some portion of that
19 shares should be held for new entrants at a certain level of
20 allocation for new entrants, and that they would not be able to
21 sell those or lease those, and they have to use them for
22 fishing, and this allows new entrants into the fishery, but it
23 restricts them to those new shares. Now, they can go and, once
24 they start developing their business plan and start making a
25 little bit of money, then they can go out and purchase some from
26 some other location, but that's how I feel about 36B.

27
28 I do want to bring up the whole purpose of an ITQ, and I keep
29 hearing all these different -- I heard stuff at the very
30 beginning of this ITQ program that it's going to reduce or
31 create safety-at-sea, and it's going to stop the derby fishery,
32 and that's not the purpose of an ITQ. The purpose of an ITQ,
33 and the only purpose, is to reduce capitalization. This fishery
34 has done that, and it's completely decapitalized, and now we
35 have to be very careful about trying to go in and recapitalize
36 this fishery.

37
38 I would like to just touch on Amendment 53 and bring it back up
39 again, the reallocation of the FES taken back into historical
40 levels, I just -- I think it's hogwash. All it's showing is you
41 have your commercial people that have stayed within their quota
42 system, but the recreational people are overharvesting again,
43 and you're going to reward them for it, or you did reward them
44 for it. I don't know how you can do that.

45
46 One last comment is the Great American Red Snapper Count. Do we
47 know how many of those big fish that have been out in that deep
48 water, at least back into the 1980s, the early 1980s, because I

1 was catching them out there, how many of those fish recruit to
2 the inshore reefs, where the recreational fishery is
3 predominantly fished? I mean, do we have the science that will
4 answer that question, because, if they're not recruiting to the
5 stock inshore, how do you justify increasing the quota on fish
6 that don't -- Thank you.

7
8 **CHAIRMAN FRAZER:** Thank you, Mr. Bergmann. We're going to move
9 to our next speaker online, and that would be Ms. Catherine
10 Bruger.

11
12 **MS. CATHERINE BRUGER:** Good afternoon. Thank you, Mr. Chair.
13 My name is Catherine Bruger, and I am a Fish Policy Analyst for
14 Ocean Conservancy. First off. I would like welcome, and welcome
15 back, our recently appointed council members. I would also like
16 to congratulate Mr. Strelcheck on your appointment as Regional
17 Administrator. I am looking forward to working with all of you.

18
19 To be honest, there isn't much new that I can say about
20 calibrating red snapper. At this point, we all know how common
21 currency works and why it has happened, and this isn't a
22 surprise. The council has discussed calibration on the record
23 at every meeting since the program began. The problem isn't a
24 misunderstanding about unit conversion. The problem is that the
25 council just doesn't want to do it.

26
27 The facts remain that, despite the individual belief systems
28 expressed, without calibration, state management remains
29 illegal, unsustainable, and unfair. You have said you need more
30 time, an obvious delay tactic. You have had more than enough
31 time. NMFS brought this framework back to you as a courtesy,
32 because it's impossible for them to approve the illegal action
33 you are trying to take. Taking no action is still an illegal
34 action.

35
36 I appreciate that some council members continue to advocate for
37 bringing the system into compliance, and we deeply appreciate
38 that work. To the rest of the council, you are violating your
39 oath. We strongly urge you to put aside your short-term
40 thinking, inappropriate favoritism, and recognize that you are
41 here to manage this fishery for the good of all participants and
42 for long-term sustainability.

43
44 Attached to Ocean Conservancy's comment letter, we provide the
45 calibrated landings for each state. There are a few things that
46 stand out. The private angler ACL has been exceeded by over 20
47 percent each year, but there is a huge disparity in how the
48 states are operating under state management.

1
2 Louisiana anglers would not have exceeded their 2019 ACL, nor
3 had a 2020 payback, if calibrations had occurred, and, in every
4 year, at least three states are exceeding their ACLs.

5
6 NMFS is using MRIP reports to make their OFL comparisons, but
7 paybacks don't occur in MRIP-reported overages. They occur in
8 uncalibrated state survey units to an MRIP-CHTS ACL. This means
9 that the accountability measures in state management are broken
10 and ineffective.

11
12 Lastly, proposed catch increases can't occur if you delay
13 calibration. The council is now holding the proposed ACL
14 increases hostage for all sectors. We encourage the council to
15 proceed with immediate calibrations to make state management
16 compliant with MSA.

17
18 Regarding the for-hire sector, we want to support changes to the
19 SEFHIER program. This program will increase the data we have
20 available, and, at the end of the day, fishers just want a way
21 to ensure that they can go fishing. We urge the council to keep
22 equipment failure protocols simple and not make the reporting
23 requirements for infrequent overages overly burdensome. That's
24 all I have. Thank you for your time.

25
26 **CHAIRMAN FRAZER:** Thank you, Ms. Bruger, for your comments. I
27 am not seeing any questions, and so we're going to move on to
28 our next in-person speaker, and that would be Ms. Kellie
29 Ralston.

30
31 **MS. KELLIE RALSTON:** Thank you, Mr. Chairman and council
32 members. Kellie Ralston, representing the American Sportfishing
33 Association. I appreciate the opportunity provide public
34 comment today. Andy, congratulations. We're thrilled to have
35 you there in a permanent role, and we look forward to working
36 with you. I also wanted to welcome Bob and Billy to the
37 council. I look forward to working with you and, continue, with
38 Bob.

39
40 I wanted to provide a few comments regarding red snapper, and I
41 really appreciated -- We really appreciated the commentary and
42 conversation yesterday around the table, and I think it was
43 really productive, and ASA supports the council's response, as
44 discussed yesterday, to the agency to implement calibration in
45 2023.

46
47 It seems that the council and the agency really do need time,
48 additional time, to review multiple issues to properly implement

1 calibrations and avoid the significant and negative impacts to
2 multiple states, as well as to maintain what has been a really
3 successful program of state management for this species.

4
5 Particularly, we're waiting on the SSC review of the final Great
6 Red Snapper Count report, as well as some additional studies
7 that the SSC is going to be looking at in the coming months, and
8 a full review of the National Academy MRIP study that was
9 mentioned yesterday, particularly some of those additional
10 alternative approaches that would get you to the calibration
11 place without the process that's going on right now.

12
13 Then we strongly encourage the agency to make this issue a top
14 priority, and I know it is here at the council level, but also
15 at Headquarters, and to really actively work with the states to
16 resolve the calibration issue in a timely manner, and especially
17 focusing on the small state data challenge issue, which has been
18 a significant impediment to implementing those calibrations.

19
20 Finally, in the upcoming research track assessment, we support
21 the full use of state data for estimates of catch and effort, as
22 well as the Great Red Snapper Count core abundance estimate.
23 Thank you very much.

24
25 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Ralston, for the
26 comments. We're going to move to our next speaker online, and
27 that would be Mr. Adam Zewen. We will then move to Ms. Anna
28 Woods. We will circle back to Ms. Woods. We will go to an in-
29 person speaker. Mr. Andy Kuhl. Is Andy Kuhl in the room? All
30 right. We will keep moving. We'll go back to our online pool
31 and Mr. Eric Brazer.

32
33 **MR. ERIC BRAZER:** You can't skip over me, Mr. Chairman. I'm
34 here.

35
36 **CHAIRMAN FRAZER:** You're the man, Eric. Give it a whirl.

37
38 **MR. BRAZER:** Good afternoon, council. Thank you for the
39 opportunity to speak, Mr. Chair. My name is Eric Brazer, and
40 I'm the Deputy Director of the Gulf of Mexico Reef Fish
41 Shareholders Alliance.

42
43 I first want to refer you to our written letter for more
44 comments, and more detailed comments, in addition to what I am
45 going to provide here, and so, first and foremost, like others,
46 I want to say big congrats to you, Andy, on your appointment to
47 the Regional Administrator position. We always enjoy working
48 with you, and we look forward to what's coming down the road.

1
2 Congrats to Bob Gill and to Billy on your appointments and to
3 Susan and Dale on your reappointments. You guys all have some
4 tough choices ahead of you, as was made pretty clear this week,
5 and we really appreciate the chance to work with you on these.

6
7 On Amendment 36B and C, I appreciate the steps the council is
8 taking to streamline these complicated documents, and,
9 ultimately, we hope to get you guys closer to clarifying what
10 goals and objectives you want these programs to achieve and how
11 they should be achieved, and I think the process that Bob Gill
12 laid out makes a lot of sense, and I do hope that it comes back
13 in front of the council, the Full Council, tomorrow, and I
14 really think that it might give you guys a more holistic
15 approach to assessing, and potentially modifying, these
16 programs.

17
18 Switching gears now to the topic of wind energy, and this is
19 obviously something that could have some substantial impacts in
20 the Gulf of Mexico, both positive and potentially negative, and
21 so we just really urge you to maintain regular communication
22 with BOEM and to make sure that all fishermen, commercial,
23 charter, and private anglers, all fishermen have a seat at the
24 table and an opportunity to inform this process, either through
25 the testimony we gave you guys directly, through some sort of
26 advisory panel process, or perhaps another sort of working
27 group.

28
29 On the red grouper interim analysis, I want to thank everybody
30 who pulled this together. Whether this becomes a health check
31 or something with more regulatory teeth, I think we all agree
32 that there are some key variables that require us to keep a
33 close and regular eye on red grouper.

34
35 I would be remiss though if I didn't point out that this
36 potential increase in quota does not make the commercial sector
37 whole again, after you chose to reallocate more than a million
38 pounds of commercial red grouper quota in Amendment 53. Not
39 only does Amendment 53's reallocation harm commercial
40 businesses, as you heard from literally every single commercial
41 fisherman who testified in front of you, but your decision in
42 Amendment 53 effectively reallocates more than 115,000 pounds of
43 commercial red grouper that commercial fishermen should have
44 gotten through this interim analysis process.

45
46 All told, commercial fishermen are looking at more than 1.3
47 million pounds of red grouper losses. This is not fair, not
48 reasonable, and especially, given the potential implications of

1 this year's red tide, cannot be seen to promote conservation.
2 Even though Amendment 53 has already been voted on, the council
3 should understand the impacts of your decisions and how they
4 continue to resonate. Amendment 53 is the gift that just keeps
5 on giving, or taking away, but only if you're a commercial
6 fisherman. Thank you for the opportunity to talk.

7
8 **CHAIRMAN FRAZER:** Thank you, Mr. Brazer. I am not seeing any
9 hands up here, Eric, but, again, thank you for your comments.
10 We will circle back to Ms. Anna Woods, who is online.

11
12 **MS. ANNA WOODS:** Hi, council members. Thank you. Sorry. My
13 phone didn't have my speaker enabled. Again, my name is Anna
14 Woods, and my husband and I have a commercial and charter
15 fishing business out of Keaton Beach, Florida.

16
17 I wanted to speak on what Eric Brazer was just speaking about,
18 Amendment 53 and the reallocation of red grouper to the
19 recreational sector. We oppose this amendment, and we feel like
20 it's going to be detrimental to small businesses like ours, and,
21 ultimately, we feel like it's going to affect other consumers,
22 because our ability to supply is going to be greatly reduced.

23
24 Another point is the biomass of red grouper is the lowest on
25 record, and, if you reallocate that fish, or that quota, to the
26 recreational sector -- They don't have the accountability that
27 we do as commercial fishermen, and you're going to have more
28 discards, and you're going to have more fish dying, and that can
29 further deplete the species, and so, again, we strongly oppose
30 Amendment 53, and we thank you for your time and consideration
31 in this matter.

32
33 **CHAIRMAN FRAZER:** Thank you, Ms. Woods, for those comments. I
34 am not seeing any hands, and so we'll move on to our next
35 speaker in the queue, in the room here, Mr. Ken Haddad.

36
37 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members. I
38 too congratulate the new members and the returning members, and
39 also Andy. Congratulations. I remember when you were pretty
40 much a little kid, and you've come a long way.

41
42 My name is Ken Haddad from Florida, and I'm speaking on behalf
43 of the American Sportfishing Association, and I'm going to talk
44 about mackerel. On previous similar amendments, such as red
45 grouper, which we just heard about, your focus has been limited
46 to the use of new the FES database on stock assessments to set
47 and adjust catch limits. In addition, you have made technical
48 allocation adjustments based on the fact that not making these

1 adjustments would be de facto reallocation.

2
3 The allocation changes in other amendments have been technical
4 to maintain the status quo between sectors based on applying the
5 new FES data. For Amendment 33, the difficulty in calibrating
6 to historic data used to determine allocation has been
7 discussed.

8
9 If a technical calibration adjustment cannot be made, then
10 reallocation should not be attempted, and tackling allocation,
11 if not tied to recalibration, should be by a separate amendment
12 with a full-blown allocation review. What is happening in the
13 current beginning of the amendment seems to have a substandard
14 allocation review being built into the allocation section.

15
16 There needs to be detailed section added to the background of
17 this report, or somewhere, that discusses catch and release and
18 how the recreational sector fishes for mackerel, how it may be
19 applied to calculating total catch, and how some states have
20 addressed modifying catch limits to increase abundance and
21 encounter.

22
23 Finally, the recent National Academy of Science review had the
24 following recommendation, and I'm just going to read it. NOAA
25 Fisheries and the councils should develop a process for engaging
26 recreational fishery stakeholders in a more in-depth discussion
27 of OY and how it can be used to identify and prioritize
28 management objectives that are better suited to the cultural,
29 economic, and conservation goals of the angling community.

30
31 This supports our previous comments on OY, and we would hope,
32 and ask, that you follow through on this NAS recommendation and
33 be the first council to do that. Thank you.

34
35 **CHAIRMAN FRAZER:** Thank you, Mr. Haddad. I am not seeing any
36 hands around the table, and so we're going to move on to our
37 next speaker, and that would be Mr. Johnny Marquez, who is
38 online. Mr. Marquez.

39
40 **MR. JOHNNY MARQUEZ:** Thank you. My name is Johnny Marquez, and
41 I am the Director of Coastal Policy for the Mississippi Wildlife
42 Federation, and we represent and advocate for anglers and
43 hunters in the State of Mississippi. I also serve on the Reef
44 Fish AP.

45
46 I wanted to talk briefly about calibration. We support the
47 action that the council took at the last meeting in agreeing to
48 hold off until 2023 on making any decisions on calibration. The

1 state management appeared to have been a great success, and it's
2 worked great in Mississippi, and all of the states have done a
3 great job in developing new methods to track the harvest, and
4 then along comes calibration, and it's like a bait and switch.
5 We've had a good run here, and now Mississippi would face a
6 drastic reduction in its harvest.

7
8 At the meeting, Dale Diaz did a great job of laying out some of
9 the problems that we see with MRIP and with the calibration, and
10 this isn't just what we've heard for years of people complaining
11 about MRIP and that it doesn't give a good measure, but these
12 are very specific and tangible problems that the council needs
13 to address and wrestle with before they make changes through
14 calibration and harm states like Mississippi and Alabama. I
15 appreciate your time and the opportunity for the comments.
16 Thanks.

17
18 **CHAIRMAN FRAZER:** Thank you, Mr. Marquez. Okay. We will move
19 on to our next speaker in the room, and that would be Captain
20 Mark Tryon.

21
22 **MR. MARK TRYON:** Commercial rod-and-reel fisherman, Gulf Breeze,
23 Florida. I run day trips out of a twenty-seven-foot May-Craft,
24 a walkaround pilot-house boat. I do twelve to fourteen-hour
25 trips, on the average.

26
27 Today, I want to talk about I guess the social impact of some of
28 these potential reallocation actions and recalibration actions.
29 I think the first question is who does this council represent?
30 Is it all of American and its increasingly diverse population or
31 the fortunate few who have private recreational fishing vessels
32 capable of venturing offshore to catch red snapper, grouper, and
33 the other reef fish?

34
35 The council is supposed to take social and economic issues into
36 consideration when reallocating fish. My understanding of the
37 purpose of recalibration, or the ultimate goal, is to reallocate
38 red grouper, which is already underway, and, ultimately, the big
39 prize, red snapper, from the commercial to the recreational
40 sector.

41
42 Now, this is just a personal note, but I sell to -- I basically
43 have two customers. One of my customers is a retail and
44 wholesale establishment in Pensacola, and the majority of the
45 customers at this establishment are African-American, probably
46 75 percent, and I often interact with these folks while
47 offloading my fish there, and I have some interesting
48 discussions.

1
2 They will ask me, how far out did you go, was it a nice day,
3 things like you must catch all those fish in nets, and I'm like,
4 no, we use rods-and-reels, and then they can't believe that I
5 catch that many fish on rods-and-reels and so forth. I enjoy
6 interacting with these end consumers.

7
8 As a matter of a fact, one day, out of the blue, one of them
9 came up to me and said, you know, we really appreciate what you
10 do, and that made me feel good about myself and what I do.

11
12 Anyway, my question is this, and is the council considering the
13 actual impact of these reallocation schemes on these type of
14 customers, let's say minority communities who rely on commercial
15 fishermen to provide them with their domestic reef fish? That's
16 all I have to say regarding that.

17
18 Finally, one quick thing with the triggerfish, and we talked
19 about this a little bit yesterday in the question-and-answer,
20 and I think it's kind of unfair not to give us an increase in
21 the trip limit in a timely manner when the recreational folks
22 have presumably already gotten their extra days of fishing
23 assigned to them in proportion to whatever their quota increase
24 was, because we're not going to come anywhere near catching the
25 quota right now with that sixteen-fish bag limit, and that's got
26 to be increased. Thank you very much.

27
28 **CHAIRMAN FRAZER:** Thank you, Captain Tryon. We're going to move
29 to our next speaker online, and that would be Captain Jim Green.

30
31 **MR. JIM GREEN:** Thank you. I'm Captain Jim Green, President of
32 the Destin Charter Boat Association and the Charter Fishermen's
33 Association. Thank you for the opportunity to speak. Congrats,
34 Andy, on your new position. You deserve it, buddy, and hello to
35 the newly-appointed, reappointed, and existing council members
36 and staff.

37
38 Concerning the equipment failure, both of our organizations
39 support this program. With that said, the equipment failure
40 issue is a big one. Thank you for working to find a solution.
41 It should be an online form declaring, and that person declaring
42 should be held to a high burden of communication with the
43 agency, so that it is known what actions are being taken to come
44 back into full compliance.

45
46 We need this issue resolved before the second phase is
47 implemented. We also feel that, if a vessel is moving less than
48 a half-mile for fuel, that should not require a separation

1 declaration, and that is a bit excessive. The DCBA and CFA
2 support Alternative 2, Option 2c, and Alternative 3, Option 3c.

3
4 Concerning cobia, both organizations support the effort to
5 rebuild this fishery. In Action 5.1, we support Preferred
6 Alternatives 2a, 2b, 3a, and 4a. In Action 5.2, we support the
7 corresponding preferred alternatives, and, in Action 6, we
8 support Preferred Alternative 2 with a thirty-six-inch fish for
9 both sectors.

10
11 Concerning Amendment 50 and the data calibration, this needs to
12 happen as soon as possible. The other sectors have not been
13 given years to deal with the time taken to get data approved,
14 and we cannot continue to allow overfishing and hope that the
15 data comes back validating the overfishing. What if it doesn't
16 validate it? What if provides -- What if it proves the
17 calibration was more accurate than we thought and we allowed the
18 stock to suffer?

19
20 This sets a bad precedent, and it is not science-based fishery
21 management, and, quite frankly, the for-hire sector has been
22 begging just to fish their allocation, and we are allowing
23 others to overfish, and continue to overfish, and the for-hire
24 sector has consistently underfished their allocation, from 18 to
25 30 percent each year, for the past five years. Our season has
26 not increased in three years, which is why we are formally
27 asking the agency for a fall season, so that we may have optimum
28 yield from our allocation.

29
30 It is a common feeling of our industry that we are being held
31 back to make up for the overfishing that is occurring, and now
32 the council is discussing to allow this to continue to occur,
33 and action needs to be taken.

34
35 When it comes to the sector separation document, we're urging
36 the continued exploring of this document. It was just released
37 days before the council meeting, and so we have not had time to
38 dig deep into it. We are thankful that we get to work on this,
39 and we would like to request more information on what all the
40 data in the document equates to to days on the water.

41
42 The FES data that was put into the document proves the purpose
43 and need of it. This is to secure the historic participation
44 for the anglers that utilize the for-hire sector as their access
45 point, and this new dataset are showing that we are steadily
46 being removed. We believe that there should be a blend of
47 historical datasets and current ones and find a percentage of
48 balance that ensures the for-hire sector has an adequate amount

1 of access for the non-boat-owning public.

2
3 Amendment 40 proved that removing uncertainty will stretch out a
4 season for our sector, and we would like to see what that comes
5 out to, and we would like for the council to support the further
6 development of this document. Thank you for the ability to
7 speak today.

8
9 **CHAIRMAN FRAZER:** Thank you, Captain Green, for your comments.
10 We've got a question from Ms. Guyas.

11
12 **MS. GUYAS:** Jim, I've got a quick question for you about your
13 request for a fall season. Have you all talked about the
14 structure for what that would look like? Would it be like
15 weekends or continuous days? I'm just curious if you all have
16 put any thought into that.

17
18 **MR. GREEN:** I think it would need to be continuous days. We
19 haven't discussed that, as far as going across, but it's always
20 been the thought of our industry to have continuous days and not
21 weekends, but, if we're talking about just a handful of extra
22 days, then I think that that is worth a discussion, and we can
23 definitely get back to the council and yourself, Martha, and get
24 some information for you, but, really and truly, we would like
25 to know how many of those days are.

26
27 You know, if we're talking about ten or twelve days, then I
28 would think continuous would be what we would want. If we're
29 talking about six or seven or eight days, then I would say maybe
30 weekends, but, for us, it's always been, if you go to a weekend
31 fishery, then you give us a weekend business, and that's always
32 been kind of the mindset of our industry, but I would definitely
33 reach out and get that information for you.

34
35 **CHAIRMAN FRAZER:** Captain Green, we have another question from
36 Ms. Boggs.

37
38 **MS. BOGGS:** Thank you, Captain Green. Do you think that the
39 actions that the council has proposed with cobia are enough to
40 help with the rebuilding of the cobia?

41
42 **MR. GREEN:** I believe they're a tremendous step in the right
43 direction, Ms. Susan, and thank you for the question. I think
44 that we tried to push this the last time, and everybody wanted
45 to wait for the assessment, and we just got them to raise the
46 size limit. Florida went to the -- These are very similar to
47 Florida regulations.

1 I will say that, this year, we saw a little bit more cobia than
2 we did, and hopefully that's because of the change in
3 regulations in Florida, but I think that -- You know, I was
4 looking at some of those in the preferred alternatives we
5 picked, and it was somewhere around a 10 percent reduction in
6 harvest.

7
8 I don't know if that's enough or not, but I will tell you that
9 it would be a really tremendous start, and it would be a really
10 great thing to see.

11
12 **CHAIRMAN FRAZER:** We've got another question from Mr. Banks.

13
14 **MR. BANKS:** Captain Green, thank you for your testimony. I have
15 a question too about the cobia. When you catch your cobia, or
16 when you did, were you mostly catching them in state waters in
17 Florida or in federal waters?

18
19 **MR. GREEN:** As a headboat, I operate primarily -- Thank you for
20 the question, Patrick. I operate primarily in federal waters.
21 I did fish a couple of tournaments and caught some in state
22 waters, but, primarily, the fish, the cobia, harvested off the
23 headboats, and probably half the for-hire fleet in Destin, is
24 caught in federal waters outside of the migratory season.

25
26 **MR. BANKS:** Thank you.

27
28 **MR. GREEN:** Yes, sir.

29
30 **CHAIRMAN FRAZER:** Okay. I don't think we have any more
31 questions at this time. Thank you again, Captain Green, for
32 your comments.

33
34 **MR. GREEN:** Thank you, all. Have a good one.

35
36 **CHAIRMAN FRAZER:** Our next speaker would be Captain Troy Frady.

37
38 **MR. TROY FRADY:** Hello, everyone. I'm Troy Frady, and I'm a
39 full-time federally-permitted charter boat captain out of Orange
40 Beach, Alabama. I've been doing this for nineteen years, and
41 I'm here on my own dime, and what I'm about to tell you is just
42 my opinion, and it's from my observations of my participation in
43 both the state and the federal fishery off of Alabama, and
44 Orange Beach, specifically.

45
46 First, Andy, I sound like a Johnny-come-lately, because
47 everybody has congratulated you, and I wanted to be first, but
48 it didn't happen, but congratulations, Andy. Bob, welcome back

1 to the council. Billy, welcome. I look forward to working with
2 you. Susan, for your reappointment, and, to anybody else that I
3 forgot who was reappointed, congratulations.

4
5 The charter/for-hire industry, we sector separated a few years
6 ago, and, since that time, our businesses have flourished. We
7 have not gone over our quota, and we have all figured out how to
8 make a living as our seasons progressively got longer, and we're
9 all being pretty successful at what we're doing, and, thanks to
10 you and this governing body, we're all able to stabilize our
11 families and our businesses now, and so thank you for what you
12 did and the hard work that you put in years ago and for the
13 years you put it in. It's paying off now for the charter/for-
14 hire industry.

15
16 On the greater amberjack, from what I am seeing, after close to
17 200 days on the water, greater amberjack are in trouble, and I
18 don't see any signs of them getting any better. I would like to
19 see this council become more restrictive on the harvest if it
20 will help, and only if it will help.

21
22 I thought about getting away and doing away with the two-day bag
23 limit with charter boats and those who keep two-day bag limits,
24 and I thought about cutting that back, and even possibly going
25 to just a trip limit for everyone and just having a trip limit
26 for amberjack.

27
28 One thing of concern is just, when you all are making your
29 decisions on overfishing limits and stuff, I can only give you
30 my perspective of the world I live in. The hurricanes came
31 through last year, and we had two Category 3 hurricanes, one on
32 September 16 and one a month later, Sally and Ira.

33
34 Just, when you start making decisions based upon long term, the
35 short-term losses are -- A lot of those fish got moved around,
36 and some of them got moved off the spots, and some of the spots
37 were destroyed, but a majority of what we saw this year kind of
38 put us in a panic mode, for those of us who fish mostly the
39 half-day trips that we do, because those fish were not there
40 anymore.

41
42 Just here last week, on the other hand, we benefited from
43 Tropical Storm Fred, which blew pretty water our way, and we
44 started catching more pelagic fish, and so always take into
45 consideration the short-term and the medium-term effects that
46 tropical storms and hurricanes have on us out there trying to
47 make a living.

48

1 For those of you who sit on this council, who have got some
2 tough decisions to make with the private recreational anglers
3 and your state management, keep up the hard work. You all get
4 in a corner and duke it out, whatever you've got to, and, I
5 mean, I believe in you guys, and I think you all do very well,
6 and just take the time and work it out. If you can't agree,
7 come back and rehash it out again, but the private recreational
8 anglers deserve a solution for long-term, and I thank you.

9
10 **CHAIRMAN FRAZER:** We've got a question for you, Troy, from Mr.
11 Banks.

12
13 **MR. BANKS:** Troy, I appreciate you saying that about state
14 management. I think state management has been an extremely
15 successful situation, at least for Louisiana anglers, and is
16 that the perception that you get from the private anglers in
17 your state, that state management has been a successful program?

18
19 **MR. FRADY:** Yes, from what I understand. I mean, most of the
20 anglers I know don't care who manages them, but they just want
21 to go fishing. A lot of times, people feel more comfortable
22 when they're dealing with their state or their local community,
23 and so it's a feeling of, as long as it gives them what they
24 want, they're happy, but, the moment you restrict them, or
25 change something, or change their dates, or give them fewer days
26 to fish, you're going to be the bad guy.

27
28 I mean, everybody is kind of happy. You know, I've got buddies
29 of mine that own their own boats, and every one of them are
30 giving me their perception of the fishery and how they're happy
31 with it, but they also -- They don't understand what
32 recalibration is, and they don't understand why, and they just
33 want to go fishing.

34
35 A lot of my friends that own their own boats have said they wish
36 they had fish tags, so they could go fish when they wanted to,
37 and, that way, they could just -- Everyone wants to participate
38 in data collection, and I'm not sure that all of them do
39 participate, but all the ones say that -- They say, yes, I'm
40 reporting my fish, because they see that it has benefited us,
41 where we've reported our fish in the charter/for-hire industry,
42 and so that's just my perception that, yes, I mean, it's
43 successful.

44
45 **CHAIRMAN FRAZER:** Don't go away, Troy. Bob Gill has a question
46 for you.

47
48 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Troy, for coming

1 and giving your testimony. As you know, we're considering the
2 potential of sector separation for four reef fish species.
3 Would you share your thoughts on that action, or that potential?
4

5 **MR. FRADY:** At this point in time, I think sector separation of
6 other species is premature. I just don't see a need for it at
7 this point in time, because it's going to get into an allocation
8 battle, and I think we've got bigger fish to fry right now, with
9 trying to get everybody else situated before we take on that. I
10 mean, I think the data collection coming in, that we've been
11 providing as a charter/for-hire industry, I think, in the long
12 term, once we get that data coming in, we may or may not have to
13 have that, and that's just my opinion. I just don't see a need
14 for it at this time. Thank you.

15
16 **MR. GILL:** Thank you.

17
18 **CHAIRMAN FRAZER:** I think you're good. No. Ms. Boggs, go
19 ahead.
20

21 **MS. BOGGS:** Thank you, Troy. You mentioned, or talked about,
22 amberjack a little bit, and what are you seeing in the cobia
23 fishery?
24

25 **MR. FRADY:** What cobia fishery? I have caught one cobia this
26 year that was legal, and I felt guilty for harvesting it. In
27 the past four or five years, the cobia fishery continues to
28 decline, and sometimes we'll see them out on the wrecks.
29 Usually, when you're catching a shark now, you'll pull up and
30 there will be a cobia swimming with the shark or something, but
31 I've caught one this whole year, and so, I mean, is the
32 management working? I don't know. You can't manage what you're
33 not catching, but it's not -- I don't see a big issue right now,
34 because we're not catching them. Thank you.
35

36 **CHAIRMAN FRAZER:** Thank you, Troy. Our next speaker would be
37 Captain Jim Zurbrick.
38

39 **MR. JIM ZURBRICK:** Hello, council members. First of all, this
40 is Jim Zurbrick from Steinhatchee, Florida. I'm a commercial
41 fisher and a long-time charter guy, and the list kind of goes
42 on, and I'm also President of Fish for America.
43

44 I would like to congratulate Andy, although we all knew it was
45 coming, that one day it was coming, and, Bob, we're glad to have
46 you back, and, to the re-appointees, we're glad to have you
47 aboard.
48

1 I've got a couple of one-liners here, to make it easy for the
2 record. I do support a commercial triggerfish increase. We've
3 got to go to the eighteen, nineteen, twenty, but we're not going
4 to catch that quota. It's just, with the number of trips that
5 are generated, sixteen just won't get it.

6
7 Also, I would reiterate that Amendment 53 was wrong. It was
8 wrong, and the reallocation in some of the recalibration -- I am
9 hoping that the Commerce Secretary will not sign it. It's an
10 ugly situation to have to go further than that, and so I'm
11 hoping that she just won't sign it.

12
13 Also, I'm glad that we took out the weight requirement in the
14 document for 36, for now, and it will be somewhere, but it's out
15 of the document so we can move this forward, and one final note.
16 You know, as a layperson, and you listen to the discussion about
17 the SSC, you can only think -- I think, in my point of view,
18 that we were trying to come up with a group that might give us a
19 different result, and I do support what was issued by that SSC
20 on a red snapper increase.

21
22 I personally think that there was folks with a lot of
23 conviction, who care, who just couldn't bring themselves to it,
24 and I think that's important, and we'll see how this goes
25 forward.

26
27 Last, yesterday, I heard the council members talking about how
28 they know the data is wrong. The best available science is not
29 correct when we're talking about the state management and common
30 currency and getting compliant. How it's wrong, and it's wrong
31 to the most casual observer, and the council members didn't feel
32 like they could support this, and so we're going to kick this
33 down the -- We're going to try to kick it to 23, and why didn't
34 we do that with 53? Why didn't we look at recalibration, the
35 way that MRIP was done, and also how folks are jumping from the
36 bandwagon and talking about how MRIP is not supported by the
37 National Academy of Sciences.

38
39 They don't want to do that for the recalibration, but they want
40 to do it for reallocation, and so these are the things that I
41 hope the council members are hearing, listening to, and --
42 They're saying I've got to rethink this, and I thank you very
43 much for allowing me to speak.

44
45 **CHAIRMAN FRAZER:** We've got a question for you, Jim, from Mr.
46 Gill.

47
48 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Jim, for your

1 testimony, and, if you put your charter hat on, the same
2 question for you as I just asked Troy. What's your reaction to
3 the sector separation of the four reef fish species for the
4 charter sector?

5
6 **MR. ZURBRICK:** Listen. There is someone on the line that spoke
7 earlier who lives here near me, and they would probably have a
8 different take on it than I do, because, if we are going to gain
9 a history, some of the history isn't available in certain areas,
10 and so I would say this, that, right now, it's mixed with people
11 that would support, who are in agreement, and who are not. Bob,
12 as far as my personal opinion, it's a game that I'm not in, and
13 I haven't spent years in it, and I would be for -- I have seen
14 the IFQ work so well.

15
16 **MR. GILL:** Thank you, Jim.

17
18 **MR. ZURBRICK:** Thank you.

19
20 **CHAIRMAN FRAZER:** Okay. Our next speaker is Captain Casey
21 Streeter.

22
23 **MR. CASEY STREETER:** Casey Streeter, commercial fisherman,
24 southwest Florida. I want to thank you Mr. Bob Gill for his
25 effort yesterday to help protect our commercial fishermen from
26 our investments just coming into the fishery and controlling the
27 actual fish. Thank you, and hopefully it's just not
28 conversation, and hopefully there is actions that are moved
29 forward.

30
31 Something else that bothered me yesterday that I saw was the
32 inconsistency in support for the recalibration, and I know that
33 Alabama and Mississippi had issues with what was going on, and,
34 obviously, when that model hits real numbers, something is
35 wrong, and that recalibration, just less than two months ago,
36 was used in the historical quota in our red grouper that's going
37 to definitely financially destroy my fishery in my area, and my
38 fishermen were dependent on that lease and dependent on that 1.2
39 million pounds of grouper that we're going to miss out on.

40
41 I think the saying is, if the truth destroys something, it's
42 meant to be destroyed, and so hopefully your same passion for
43 what you're worried about with the loss of your coastal
44 communities comes to my coastal communities as well, because we
45 are in the same boat, and this new model is nothing good for any
46 of us.

47
48 Lastly, I would like the council to hopefully have this

1 conversation today or in the future, but I would like you guys
2 to define and lay out what you envision our commercial fishery
3 to look like over the next five years, ten years, fifteen years.
4 Is it going to be diverse, spread out throughout the Gulf, or is
5 it going to be constricted and put in a handful of places, and,
6 also, I would like to understand more the definition of economic
7 efficiency. What does that mean?

8
9 What is efficient? What are you striving to do? It feels like
10 these goals are moving forward, but I don't really understand
11 what that goal is. What's the end goal? What makes me
12 financially efficient as a fisherman, as a business? I think a
13 lot of fishermen would like to know that, so we know what we're
14 up against, moving forward. Thank you.

15
16 **CHAIRMAN FRAZER:** We've got a question from Ms. Boggs.

17
18 **MS. BOGGS:** Thank you, Casey, for being here today, and I talked
19 to you a little bit in the hall, and I don't want you to answer
20 this today, but you're asking the council what we want it to
21 look like, and I want to hear from the commercial fishermen what
22 would you like it to look like, and maybe the two of us, the
23 council and the fishermen, could come together and develop some
24 programs, or some ideas, that will benefit everyone and benefit
25 the whole. Thank you.

26
27 **MR. STREETER:** I would love to be part of that conversation. I
28 think that fishermen have a lot to bring to that conversation,
29 but, being on the outside coming here, coming and telling you
30 what we see, what we would like to see, and seeing it fall on
31 deaf ears, is hard, and so that's why I asked you what you're
32 looking for. How do you want this to look, so we know what
33 we're up against?

34
35 The way that it looks now, it's not much support and not much
36 care that this industry is here, and I think that it's valuable
37 to the nation, and I think it's valuable to the people outside
38 the Gulf states. I know that I saw the economic reports that
39 came in, and I didn't see anything about the fish processors or
40 trucking companies or other support industries that are
41 dependent on me going fishing for things that break on my boat,
42 things that I need to buy for my boat. I mean, the economic
43 impacts are greater than what were in that report, and I think
44 that's a major issue. Thank you.

45
46 **CHAIRMAN FRAZER:** Casey, it looks like Andy Strelcheck would
47 like to ask you a question.

48

1 **MR. STRELCHECK:** Thanks, Casey, for being here, and I want to
2 follow-up a little bit on what Susan said, as well as what you
3 led off with, which you were complimenting Bob Gill on his
4 efforts yesterday, and those seem to be related, in terms of Bob
5 laying out kind of the path forward for a working group to
6 discuss kind of the future of the IFQ fishery and the
7 challenges, as well as some of the things that they could to
8 improve it, and so can you comment more on that and why you were
9 supportive of Bob's motion and recommendation?

10
11 **MR. STREETER:** Well, it seems to me that the model, moving
12 forward, is more investment in and fishermen out, consolidation,
13 and I don't feel that my community that I fish for, which I
14 honestly truly feel that the boats that fish at my fish house
15 are my community's boats, and I know that my community feels the
16 same way, and so that protection needs to happen, because, when
17 this consolidation happens, and access is a major issue, and I
18 don't think we have a quota problem, and I think we have an
19 access issue, and I think that we put too much financial
20 emphasis on these fish from the investment standpoint and not
21 enough financial support goes to the fishermen to make sure that
22 their financial wellbeing is good.

23
24 I mean, I think that there's major things that need to be
25 addressed. I mean, 36B and C have been in for ten years. I
26 mean, that's a long time. It wasn't much a presentation, and
27 there were basically three slides on it, and so is there an
28 appetite and a desire to move forward and make sure that these
29 things are successful, because they can't be successful if we
30 don't address the problem that they have, and that doesn't seem
31 like we're doing that.

32
33 **CHAIRMAN FRAZER:** Thank you, Casey, for your comments and your
34 time. Our next speaker will be Captain Dylan Hubbard.

35
36 **MR. DYLAN HUBBARD:** Thank you for the opportunity to speak. As
37 everybody has stated, congratulations, Andy, on your new
38 position, and congrats, Bob, on being reappointed to the
39 council, and Billy as well, and Dale and Susan for being
40 reappointed once again.

41
42 As far as the SEFHIER equipment failure goes, I think this
43 current document is a great starting point, but one of the big
44 pieces missing is how we go about getting that exemption. I
45 feel the for-hire fleet needs to have an online form, email, or
46 phone number to declare a VMS failure, and, whatever is chosen,
47 it would need to be 24/7/365, able to produce a confirmation
48 number at 4:00 a.m. when we leave. We need to have that number,

1 so that, when we're interdicted on the water, we have something
2 to show for it.

3
4 We also encourage the council to wait for more feedback from the
5 council's data collection advisory panel before making any final
6 decisions on this document. I would implore the council to
7 remove the commercial action from this document and make it into
8 its own document.

9
10 This would speed up a now simplified document for the for-hire
11 fleet, because I feel that this equipment failure action needs
12 to be in place before the implementation of Phase II, or at
13 least moving into place at the same time. I would support the
14 current Alternative 2, Option 2c, and Alternative 3, Option 3c,
15 giving us the most amount of time to order a new unit, get it in
16 the mail, schedule a professional electrician to install it, and
17 test it.

18
19 Also, in light of comments made during committee discussion, I
20 would like to, again, bring up the idea of a grading system,
21 like I had reached out the SEFHIER program about following the
22 last meeting, per their request. If you assign values to
23 participants, like those who report properly 90 percent of the
24 time or more, 80 percent of the time or more, or 79 percent of
25 the time or less, you could have a more relaxed approach with
26 the good actors, while bad actors are held to a more strict
27 standard, when it came to equipment malfunction or issues.

28
29 Finally, there are some minor software issues that need
30 addressing, but I look forward to continuing to work with
31 software developers, the SEFHIER team, and SERO and council
32 staff on these small issues, to ensure a smooth and efficient
33 program that we all want to see on the water with full
34 compliance.

35
36 As far as sector separation for the four reef species, the
37 purpose and need for this document is very simple. The current
38 sub-sector is a limited access, and it's hindered in growth.
39 We're currently working towards standing up a program that
40 brings us an even more accountable reporting program.

41
42 We're an extremely defined limited universe, and we will soon
43 have a daily ELB that is validated with vessel monitoring
44 devices. We look forward to securing historic access to this
45 fishery.

46
47 If you just look at the last document we saw on this, and now
48 this new presentation with the FES data, the purpose and need

1 jumps off the paper at you. We have lost over 42 percent of
2 access in some time series in one of the species outlined in
3 that presentation yesterday, through that new data. We would
4 support exploring this document more fully and vetting out what
5 these percentages would mean in season lengths.

6
7 We support the current preferreds in Cobia Amendment 32, and I
8 personally would love to see the data calibrated in Amendment
9 50, sooner than later, to be in compliance with MSA, and I will
10 have some more comments that I will email out to you that I
11 don't have time for today. Thank you for the opportunity to
12 speak.

13
14 **CHAIRMAN FRAZER:** Thank you, Dylan. I am not seeing any hands
15 around the table, and so, again, I just want to thank you for
16 your comments. We will move to our next speaker, Ms. Katie
17 Fischer.

18
19 **MS. KATIE FISCHER:** Hello, everybody. I'm Katie Fischer from
20 Matlacha, Florida, fish house owner and also a vessel owner.
21 36B, I support Alternative 2, and I support the permit
22 requirement. This is a vital step into getting the fish back
23 into the hands of the fishermen.

24
25 While we're on this conversation of the permit requirement, I
26 think this is the perfect time to start talking about income
27 qualifiers again, since 30 percent of our fishery is owned by
28 investors. These fish, to investors, they're just money.
29 They're a return on investment. The fish to fishermen, they're
30 everything, their life, their livelihood. This is how they make
31 a living, and this is their history, and so I definitely support
32 that permit requirement.

33
34 Something else that I want to bring up too that came up
35 yesterday was the cost of a permit as a high cost to a new
36 entrant. In all reality, that's the least cost, when you
37 compare that to a lifetime of leasing. That cost is also
38 constant, and it's something that can be used in a business
39 plan, and it doesn't change, and so I think the lease costs are
40 more worrisome to a new entrant than permits.

41
42 Also, I would like to thank Bob Gill for bringing up getting a
43 working group together to work on some much, much needed IFQ
44 changes. It is a good program, and it does have some strong
45 attributes to it. However, there is room for improvement, and
46 it doesn't work as good for some as it does for others, and so
47 definitely I'm looking forward to hopefully seeing that move
48 forward.

1
2 I also hope, in this IFQ working group -- An important topic
3 that I think should be focused on is the need for equity and
4 fairness in our current programs, our current amendments, and
5 also including that and developing them in the future.

6
7 Also, I want to make sure, in this working group, that the
8 requirement to consider the social and cultural framework of the
9 fishery and the needs of the smaller owner-operator and fishery-
10 dependent communities are being met, because sometimes it feels
11 like they're not right now.

12
13 Too often, these socioeconomics, they just get glazed over in
14 these amendments, like they're not important, and I definitely
15 think that they need to be considered more in the future. As we
16 saw from 53, that's going to have terrible consequences to my
17 community, and then you were talking about the red snapper
18 yesterday having terrible consequences, but it seems like those
19 aren't put into consideration when making these decisions, and
20 the dollar is the only decider, like what's going to make the
21 most money, and I hope, in the future, that that stops, but
22 that's all I've got.

23
24 Lastly, on the end, I just want to say that 53 was wrong. You
25 know, I think we definitely need to pull this thing back, and I
26 just -- There's just not confidence in the data, and you hear it
27 over and over, and so thank you, again, for letting me speak,
28 and I will see you in Orange Beach.

29
30 **CHAIRMAN FRAZER:** Thank you, Ms. Fischer, for your comments.
31 Our next speaker would be Mr. David Krebs. David, are you on
32 the line? We will come back to Mr. Krebs. We will go to
33 Captain Buddy Guindon.

34
35 **MR. BUDDY GUINDON:** Hello. Congratulations, Andy. Welcome
36 back, Bob, and all the rest of you. Thanks for being here to
37 try to work out the problems in our fishery. I feel bad for
38 Casey and Katie, and they're coming up and asking you for some
39 direction, because they need to be in this business or not, and
40 continue to look at the ability for fish to move around to
41 people, and the fact that they're not shows that there's not
42 enough fish available for the amount of fishermen that are still
43 in the fishery, it seems like to me. I support them in any way
44 I can to help them get their business going.

45
46 I wanted to talk about my history of the fishery. I fished pre-
47 derby fishery, and I fished the entire derby, and I fish now,
48 about four days a week this year through the summer, and I'm

1 seeing all the management changes that -- Quotas were increased,
2 and you saw in the water that the fish were decreasing, and then
3 we catch that, because they're always three years behind on
4 data, and we're in the same situation now.

5
6 I know that the Great American Red Snapper Count has been touted
7 as this wonderful, live-saving beacon in the Gulf of Mexico for
8 red snapper, but, in my experience, which I fished every year,
9 there are less fish this year than there was last year, and
10 there is much less fish than there was four years ago, and it's
11 obvious in the catch per unit effort of the commercial fishery,
12 where boats were able to catch 10,000 or 12,000 pounds a day,
13 and they're allowing 5,000 to 7,000 pounds a day now.

14
15 That's a direct indicator of the abundance of fish, and I hope
16 that we use a really cautious approach to blowing the quotas
17 through the roof. I understand that the private recreational
18 angler wants more, and, for some reason, we want to fix the IFQ
19 system that has already been run through the National Academy,
20 who has said that it's meeting all of its goals and it's working
21 well, and so I think we need to focus our attentions on the
22 private recreational angler and just throw 36B in the trash.
23 It's trash.

24
25 You're nitpicking a management system that is working better
26 than any other management system we have in the Gulf, and so
27 let's move on to the problems we have and then circle back to a
28 fishery that's working and see if we can improve it. Focus your
29 time on the things that really need to take place right now,
30 please. Thank you.

31
32 **CHAIRMAN FRAZER:** Thank you, Buddy, for your comments. We're
33 going to go back to Mr. David Krebs.

34
35 **MR. DAVID KREBS:** Thank you, Mr. Chairman. Congratulations,
36 Andy. Congratulations, Bob, and to all the returning members.
37 Sorry that I elected not to show up in person, but I appreciate
38 this opportunity.

39
40 I will reiterate that's been said about 53. It's a shame that
41 it moved forward, and we'll just have to see what the Secretary
42 does with it, if it was a bad amendment.

43
44 My comments are going to be right there with Captain Guindon.
45 You know, you guys are running out of some of us old warhorses
46 that have been forty years or more in this business, and I agree
47 with the frustrations of new participation, the same as I did in
48 1997, when Monroe County showed up at Sandestin and said we've

1 never traveled for fish, and we don't want to travel now, and
2 the council, at that time, gave the southern sector all the
3 fish, and Panhandle suffered. That was on king mackerel.

4
5 That's been the legacy of the commercial industry, people like
6 Katie's Seafood, Abrams Seafood, Ariel Seafoods. We've done
7 what we had to do to make a living in this business, and getting
8 in trucks and driving around to the different states and
9 gathering fish from different boats, and we have a wealth of
10 knowledge that we try to share with what we see on the water,
11 whether we're fishing or whether we're unloading boats and
12 talking to the skippers every day.

13
14 Buddy is exactly right that there is not an abundance of red
15 snapper. Captain Frady can get back up there and tell you the
16 same thing, and fishing is good, but it's nothing like it was
17 five years ago. The size is changing, and we're talking red
18 snapper now, and there is not the same abundance.

19
20 To Mr. Gill's motion yesterday, you have a Reef Fish IFQ
21 Advisory Panel that is made up of myself, David Walker, and
22 Captain Guindon, just to name a few, that were there from the
23 beginning of this, that were there during the derby years and
24 saw the need for change, that fought tooth and nail with
25 friendships over initial allocation, that discussed how is there
26 overcapitalization, and why are people telling us that we can't
27 fish anymore, and all of these things were hashed out over four
28 years.

29
30 It's just like Captain Guindon said. It's the most successful
31 and equitable fishery out there. Unfortunately, it was the
32 council's decision to allow it to become an investor fishery, to
33 a small degree, and, if we need to fine-tune that, send these
34 questions back to the AP, but, for us, it has always been --
35 It's just business, and we have always had to adjust and do
36 things the way we have to do them. We may not like it, but
37 that's been the commercial industry. We give and we give, and
38 we try to fix our problems.

39
40 If the states will have the same passion that the commercial
41 industry has had over the last thirty years, what a fishery they
42 might have, and so that's all I've got for time, and I
43 appreciate you guys listening.

44
45 **CHAIRMAN FRAZER:** Thank you, David, for your comments. We're
46 going to move on to our next speaker, Mr. Ryan Bradley.

47
48 **MR. RYAN BRADLEY:** Good afternoon, council members. I'm Ryan

1 Bradley, and I'm a commercial fisherman, first and foremost, and
2 I am also the Executive Director of Mississippi's Commercial
3 Fisheries United. I own a seafood company, and I'm a federally-
4 permitted seafood dealer and a commercial reef fish permit
5 holder.

6
7 I've been coming to these council meetings for about five years
8 now, and, every time I come to the meeting, I talk about
9 Amendment 36B, and, for five years, we haven't moved the needle
10 anywhere, and I think now is the time that we start to take a
11 closer look at this, and, the discussion that I've heard this
12 week and last month, I am not really pleased to hear these
13 discussions and the way they're going.

14
15 When it comes to the permit requirement to maintain your shares,
16 first off, I don't think that we ought to be grandfathering
17 anybody in, but, more, I think that we can achieve what we want
18 to achieve without coming up with a provision that forcibly
19 requires folks to divest their shares. I think we can look at a
20 provision that says something along the lines of you must have a
21 permit to acquire shares going forward, and this wouldn't
22 require anybody to forcibly divest, and we wouldn't need any
23 grandfather provisions, and everybody that has shares would get
24 to keep them.

25
26 The biggest thing here is just requiring this permit requirement
27 is not going to meet the objective that we're trying to get
28 here, which is getting the access back into the real commercial
29 fishermen's hands, and, therefore, we've been an advocate of an
30 income qualifier requirement, and this has been done in
31 Mississippi, and we do it very well with our speckled trout
32 fishery, and it has worked well at limiting access to that
33 species for real commercial fishermen, and they have to show
34 that 20 percent of their income comes from commercial fishing,
35 or they can show \$10,000 in income from commercial fishing.

36
37 The same thing in Florida. They have a \$5,000 threshold, and it
38 works well in Florida. Since we are not using the landings
39 history like we did when we first issued these shares to
40 participants, you have to pay your dues somehow to access this
41 fishery, and this is the way it should be, and this is a limited
42 access fishery. The only way that we're limiting access right
43 now is by how much money you have in the bank, and that's not
44 right.

45
46 It should be limited to commercial fishermen. This is a
47 commercial fishery, and why are we letting recreational
48 fishermen come in here and buy the permits and buy the quota?

1 It's travesty for the commercial fishing communities, and I
2 don't think you all have come to realize that, and I hope we can
3 start to do that, but, if we can't put the income qualifier with
4 the permit requirement for the shareholders, then I think we
5 just ought to throw 36B in the garbage, because you're just
6 going to cause more damage than what we already have, and we're
7 already seeing the permit prices go up, and I just was quoted
8 one for \$30,000, just last week.

9
10 I bought one three years ago for \$15,000, and so just to talk
11 about having this requirement for the permits is running the
12 price up on these permits, and I expect them to go much higher.
13 This is why we need the income qualifier, to stabilize that
14 price from going up even further, and we need to restrict
15 access. We need to limit access to real commercial fishermen,
16 and it can be done through an income qualifier. We have the
17 personnel to do it, and we do it in the spiny lobster fishery,
18 if I'm not mistaken, and so I don't see why we can't do it in
19 this fishery.

20
21 This will get us back where we need to be, where we have real
22 fishermen, real commercial fishermen, participating in this
23 fishery, and I have heard folks come up here and say there's
24 nothing wrong here, and this is a highly-efficient system, and
25 it's working well, and we don't need to change anything.

26
27 Well, I can tell you that I'm from Mississippi, and we're known
28 for cotton, and, for many years, not long ago, we harvested a
29 lot of cotton and got it to the market with no problem, but we
30 did it with slave labor, and it was unethical, and that's what
31 we've got here, is an unethical system, and it's time to change
32 it, and I want to know how each one of you will be written about
33 in the history books when we write books about you guys. Could
34 you stand up to end slavery? Could you vote to end slavery,
35 because that's what we've got, is we've got a slave system right
36 here, and there's no other way to put it.

37
38 I can tell you, because I'm participating in it. I love to
39 fish. I love to be a commercial fisherman, but I hate to be a
40 slave, and this fishery has ruined it, and so who wants to dare
41 ask a question?

42
43 **CHAIRMAN FRAZER:** Thank you, Captain Bradley, for your comments.
44 It's not looking like anybody does want to ask a question today.
45 The next speaker will be Captain Scott Hickman. We'll circle
46 back to Captain Hickman. The next speaker then will be Captain
47 Mike Jennings.

48

1 **MR. MIKE JENNINGS:** This is Captain Mike Jennings from Freeport,
2 Texas. I own and operate two federally-permitted charter
3 vessels and one state-licensed charter vessel out of Freeport,
4 Texas. I would like to echo the sentiments of congratulations
5 to Andy and to the new appointee and the reappointments and the
6 re-reappointment and appointment again. Bob, it's always been a
7 pleasure.

8
9 I am going to echo what you heard from Captain Greene and
10 Captain Hubbard, and I will condense it and make it really
11 sweet. On the hail-out forms, if we have some type of an EM
12 failure going into Phase 2, I support the longer alternatives,
13 the ten-day option and the three times per year. I get the -- I
14 understand the not giving somebody opportunities to offer a
15 loophole to someone who just doesn't want to comply, but we have
16 a -- We're going to throw in some equipment that's been mildly
17 tested, and hasn't been tested across the fleet, and I expect
18 some failures, and we don't want to burden someone over a
19 failure of equipment, or a glitch in equipment that seems to be
20 a reoccurring incident, until we can kind of realize that we
21 have some equipment that works and works consistently.

22
23 On the cobia amendment, in Action 5.1, Preferred 2a and 2b,
24 Action 5.1, the Preferred 3a, I would like to support, and, on
25 the sector separation issue, we support, I support, moving
26 forward with sector separation for all the remaining reef
27 species, and I know there's been some discussion today about the
28 justification or need for that, and we can go into that on and
29 on and on, but it's the same exact justification and need that
30 we had for all of us who were involved from the last decade-and-
31 a-half through sector separation on the red snapper and
32 Amendment 40 and SOS, when it started, and we have beat that
33 dead horse over and over and over again, and it's the exact same
34 justification, and most everybody around that table is very
35 familiar with that process and how it went.

36
37 With some of the recent data that's come out, we're seeing the
38 same issue in a few of those other reef species that we saw in
39 red snapper, in this finite industry that we are, and being
40 constrained through the permit moratorium and some differences
41 in regulations in the way we approach this fishery. We are
42 being squeezed out of it, through attrition, and locking in that
43 historical access, whatever that may be, I believe is necessary
44 for this industry to continue to stabilize, and not only does it
45 give us that opportunity, but it gives us that opportunity to
46 raise the rest of those species into this ELM and ELB process,
47 to where we can get a better handle on what we're actually
48 landing and how to make better management decisions in the

1 future.

2

3 With that said, I will touch for a second on the issue of the
4 extended season. I would like to also formally request that the
5 council -- Not the council, but the agency, and I think it's
6 probably more of an agency decision than it is a council
7 decision, to look into some type of fall season. I know that
8 it's not just because -- It might be it's not just because we've
9 consistently come in under our ACL for the last five or six
10 years, but it's also the fact that I think we've had a fairly
11 unseasonable year this year.

12

13 Some of us in the western Gulf were in the 35 or possibly 40
14 percent range of losses, just to weather, and I know that
15 Alabama, which typically kind of sees some chamber-of-commerce
16 weather through that season, took it in the teeth for a while,
17 and so I think the landings are down, and I think the data will
18 show it, and I think there's a justification for that fall
19 season, and I will let you all off this phone, and I appreciate
20 you all allowing me to comment today.

21

22 **CHAIRMAN FRAZER:** Thank you for your comments, Mike. I am not
23 seeing any hands, and so, again, I appreciate your time, and
24 we're going to move on to our next speaker, Scott Hickman.

25

26 **MR. SCOTT HICKMAN:** Well, it would have been a whole lot nicer
27 to be there with you all, but the COVID was kind of kicking up
28 in Texas, and so I stayed at the house. I'm Captain Scott
29 Hickman from Galveston, Texas, a thirty-plus-year charter/for-
30 hire participant, and I'm federally permitted. The last five
31 years, a commercial shareholder. (Part of Mr. Hickman's
32 comments are not audible on the recording.)

33

34 **CHAIRMAN FRAZER:** Scott, I think that you've found yourself in
35 another poor cell zone. Scott, we're definitely going to have
36 to circle back. I am sorry about the technical problem here.
37 We're going to move on to our next speaker, Mr. Richard Fischer,
38 and we'll give Scott a little time to try to figure out his
39 problems, and we'll see if we can get him at the end. Mr.
40 Fischer.

41

42 **MR. RICHARD FISCHER:** Good afternoon. Thank you all for having
43 me on this afternoon. Richard Fischer, representing the
44 Louisiana Charter Boat Association and the Louisiana federally-
45 permitted charter fleet. Thank you, all, for giving me the
46 time. I want to lead by congratulating Andy, as well as the
47 appointments and reappointments. I look forward to continuing
48 to work with you all.

1
2 I am going to begin my comments on cobia. The reality, from the
3 conversations that I am having with a lot of captains in
4 Louisiana is that we're just not seeing the same depletion that
5 is happening it sounds like in the rest of the Gulf, maybe most
6 notably in the eastern Gulf. This is kind of where the one-
7 size-fits-all federal government system keeps coming back to
8 bite us, that we just keep harping on.

9
10 At least for the Louisiana charter fleet, we are not in favor of
11 anything less than one fish per person, at the moment. Now, if
12 science comes in and shows us that we've got to do less than
13 that, I will be the first person in line saying we've got to
14 reduce these cobia limits even further, but we made a change
15 recently, and I heard a comment earlier that more cobia were
16 seen in the eastern Gulf. We haven't seen any science coming in
17 since that change, or really even before that, to cause that
18 change, and so we want to see no fewer than one cobia per person
19 on a charter fishing trip.

20
21 I will now, very quickly, move on to logbooks. I would like to
22 commend Dr. Michelle for her wonderful presentation earlier. I
23 think she did a great job, and I look forward to working with
24 her as she takes over that program. I also want to commend NOAA
25 Fisheries for approving cellular apps for this program. There
26 was definitely some -- units that were going to be approved, and
27 my comments were a little bit strong on that, but, if I'm going
28 to say strong negative things, I'm also going to say strong
29 positive things, and so thank you all very much for approving
30 cellular units, which I think you're going to see quite a bit
31 are going to get used in Louisiana.

32
33 As for if these units stop working, some of the contingencies to
34 think about, of the options presented, we would support the ten
35 days of allowing you to go out and fish as being the longest
36 time series, and we would support something even longer than
37 that. You know, we've heard stories from the commercial fishery
38 where sometimes this isn't a ten-day fix. We certainly hoped
39 that it would be, and, of course, also, there's going to be much
40 more urgency to get it fixed in simply the way the fisheries are
41 prosecuted, where we're a customer-driven business, as opposed
42 to commercial, where you've got your fish that you can catch
43 over the course of the year, but we would certainly support the
44 longest time series there that is available.

45
46 I am not crazy about restricting the number of times that a
47 device can be broken in one year and you get some leniency on
48 that. It's not up to the captain how many times it breaks.

1 That's up to the equipment. I certainly understand the
2 reasoning behind it, but I kind of feel like, if somebody is not
3 complying, you're going to find out whether they're not
4 complying, and just basically giving them a total of thirty days
5 per year, three-times ten days each, to go ahead and report that
6 they're not working, and that's still less than one month out of
7 the year.

8
9 If somebody is going to really try to break the rules here,
10 they're going to break the rules a whole lot more than three
11 ten-day stints, and so those are my comments, and I really
12 appreciate you all allowing me to speak today, and I'm happy to
13 take any questions, if there are any. Thanks again.

14
15 **CHAIRMAN FRAZER:** Thank you, Mr. Fischer. I am not seeing any
16 hands around the table, and so we're going to go ahead and move
17 to our next speaker, and that would be Captain Jay Mullins.

18
19 **MR. JAY MULLINS:** Good afternoon, council. First off, I would
20 like to speak about the catch share program. It was a genius
21 political move to incorporate the grouper-tilefish in with the
22 red snapper, but, and I'm going to steal some of you guys'
23 verbiage, I would like to speak apples-to-apples.

24
25 When you compare the two complexes, it's like comparing apples
26 and hand grenades. The grouper complex is a much more complex
27 system. Since the implementation and some of the goals that
28 were introduced to make this thing so great, it was to reduce
29 discards. As you know, some of you all know, and I sit on some
30 of the stock assessments, and it's said to say that the size
31 composition of discards is growing. It means that we are
32 discarding fish that could make it the market and ultimately the
33 American public or wherever. Discards have increased
34 exponentially, due to a growing red snapper population in the
35 eastern Gulf.

36
37 Also, we've got the issue that I would say that I would like to
38 speak big time on sustainability. In 1999, the science came in
39 saying that fishing the grouper during the spawn was not
40 sustainable. Therefore, in 2000, you guys implemented to shut
41 us down during the grouper spawn, with the great idea of an IFQ
42 program was to give year-round access to a very fragile fish.

43
44 It broke my heart in Key West, after I asked Mr. Strelcheck
45 about give me one positive outcome of the catch share program in
46 the eastern Gulf, and I was approached by a sustainable
47 fisheries guy from NOAA, and he's supposed to care about the
48 fish and not about the human aspect. He told me that the most

1 glaring thing was year-round access. That's pathetic, in my
2 eyes, and that's pathetic to any steward of any natural
3 resource.

4
5 You guys' catch share program have also made it nearly
6 impossible for new entry. When you separate the two, the
7 grouper-tilefish complex away from the red snapper complex, you
8 will see glaring evidence that the two are completely opposite.

9
10 The grouper complex, we have no issue with safety, and we have
11 no derby fishery. To say this thing is moving forward at a
12 great, anything great, breaks my heart. I grew up in the State
13 of Florida, and, if you want to talk about background, I
14 probably have well over 100,000 documented sea hours.

15
16 I have watched this fishery go from one thing now to this. We
17 are doing nothing but exploiting fishermen due to private
18 investment groups that have come in. I would like to talk about
19 one of the goals was to fix the overcapitalization.

20
21 In that last SSC meeting, you guys got to look at some of my
22 data from water sampling. I traveled over 300 miles during that
23 travel, on the trip, and I saw one commercial fishing boat, and
24 I ain't going to say how many recreational boats, because I lost
25 track of that, but overcapacity is not our issue.

26
27 We have not put the right boundaries up for this program, and it
28 has turned from an individual fishing program into a corporate
29 fishing program. He who has the most money wins, and that is
30 not economically viable for the State of Florida and its
31 commercial fishing heritage.

32
33 I thought that something was talked about economic efficiency
34 also, and 36B blew me away, when I was listening to you guys
35 debate that thing. Adding another 800 potential accounts --
36 Doesn't that add more capacity to something that you guys are
37 saying you're trying to get rid of the overcapacity? How does
38 that equate into economic efficiency to have 1,800 shareholder
39 accounts, but yet 500 or 600 permitted vessels are actually
40 landing fish?

41
42 We have gotten away from the true meaning of Magnuson-Stevens.
43 It was an act to protect commercial fishermen and food security,
44 and I would -- I was so happy to hear Mr. Bob Gill talk about
45 that. We have lost so much focus as a whole, as humanity, that
46 this thing needs to be sent back to the SSC and separate the
47 grouper-tilefish complex from the red snapper and look at the
48 atrocities that have been created by this program.

1
2 As a historical captain, and I think I fall in there, I took one
3 of your scientists that the council hired fishing, and I could
4 not get allocation. I fish on an original permit account, and
5 I'm a shareholder, and I cannot get allocation. I've got
6 multitudes of years in this fishery here in the eastern Gulf,
7 and I cannot get allocation to go fish and sustain my family. I
8 find everything -- Yes, sir.

9
10 **CHAIRMAN FRAZER:** I need you to kind of wrap up your comments
11 here, okay?

12
13 **MR. MULLINS:** Yes, sir, and thank you, Tom, yesterday for
14 talking about what you said, because I feel wholeheartedly what
15 you and Mr. Gill are speaking about. This thing needs to be
16 sent back to the SSC to get a clear path. Take out the
17 political bias, and let's look at the true meaning of
18 sustainability moving forward. Thank you.

19
20 **CHAIRMAN FRAZER:** Thank you, Jay, for your comments. We're
21 going to go to our last speaker. We're going to circle back to
22 Captain Scott Hickman and give him one more shot. Scott, are
23 you there?

24
25 **MR. HICKMAN:** Yes. I had to come outside and get on top of a
26 hill here, and we've got a lightning storm out here. Captain
27 Scott Hickman from Galveston, Texas. Thanks for letting me
28 speak today, even with all the technical difficulties. I would
29 have loved to have been with you, but the COVID stuff is a
30 little flared up for my comfortability.

31
32 Lots of interesting comments today, listening to this public
33 comment. I'm a commercial shareholder, and I'm also a five-year
34 participant in the Gulf IFQ red snapper program. It is a great
35 program. I know lots of people that young entrants here in
36 Galveston that have got into it, and we've got a great new loan
37 program that people can go out and buy IFQ shares, and they can
38 collateralize those shares, which is something recent, which
39 really makes the program even better.

40
41 I hear a lot of people talking about it's unfair and it's this
42 and this and that, and, if it really comes down to it, I think
43 the fishery probably is overcapitalized, and that was one of the
44 first goals of the program, to reduce overcapacity and
45 overcapitalization, and so it seems to me like the program is
46 working, and the fish are getting into the restaurants, and the
47 fish are getting into the markets.

48

1 The people that really matter on the commercial fishery are the
2 consumers, the consumers that want to eat those fish, and I see
3 a lot of people doing well and thriving. I think we've got one
4 system in the Gulf, the whole Gulf, that is really sustaining
5 the fishery, and it's very accountable, and it's conservation-
6 based.

7
8 Amendment 36, I say don't make any changes. I think it's
9 working. I am a new recent entrant, and I've got some other
10 guys that are getting into it. I'm not a slave, even though
11 I've got my own shares. I lease some fish at the end of the
12 year, and I don't know what all of that is about, but I am happy
13 with the system.

14
15 As far as the thirty-something years I've been in the charter
16 boat business, and I still have an active charter boat, and the
17 app thing worked great, and the reporting is working good, and
18 we tried one of the new Woods Hole GPS archival devices that was
19 just type approved, and it works. I've had a VMS on my boat for
20 years, and I've got a thirty-six-foot Contender with triple
21 engines on it, and I run my boat like I stole it.

22
23 I have had no equipment failures, and the equipment is good. I
24 think the council has done a lot of great things, and it's not
25 all doom and gloom. I don't think we need changes to the IFQ
26 system. Everything is working good. Now, the rest of the reef
27 fish, going into Amendment 40, a sector-separation-type
28 situation, we've been wanting that, and we're not real happy
29 with the FES data, the way that it looks. If we could have some
30 kind of component in there with some historical catch, in the
31 past, to make it more fair, we would like to look at that.

32
33 A lot of what Jim Green said -- He's our President of CFA, and
34 I'm a board member, and I'm totally behind his testimony. It
35 was solid, and I used to catch about 250 cobias plus a summer,
36 and I catch about thirty or forty now, and I have always kept
37 records. It's my favorite fish. Cobia are in big trouble, and
38 you need to do something, and I've been saying this for five
39 years. Let's do something, and let's bring cobia back.

40
41 Cobia and amberjack and gray triggerfish in the western Gulf,
42 all these species are doing awful, and we're spending a bunch of
43 time arguing about the IFQ system that is working well. I don't
44 get that. Let's focus on what's wrong, what species need help,
45 and work on critical habitat.

46
47 I appreciate the council doing everything that they did with our
48 Flower Garden Banks expansion. I've got one more meeting and I

1 won't be the chairman anymore, and it was great to work with a
2 lot of you all.

3
4 Welcome to Bob Gill back to the council, and congratulations,
5 Andy. You're a rock star, and everybody likes working with you,
6 and you're the most qualified person for that job. Billy
7 Broussard, it's good to have another duck hunter on the council.
8 I look forward to seeing you at some meetings, once we get
9 through all this COVID stuff. Welcome back, Susan and everybody
10 else that was put back on. You all are doing a great job, and
11 welcome to Texas. Travel home safe and Godspeed. Thank you for
12 finally getting me on.

13
14 **CHAIRMAN FRAZER:** Thank you, Scott. I think you're good to go.
15 I'm not seeing any hands. Be careful walking down the hill.
16 All right. We're going to make sure that we give everybody in
17 the room an opportunity to speak. We've already had all the
18 people registered online, and so we don't have any more
19 individuals in the queue there, but, if you would like to speak,
20 and you're in the room now, and you haven't had an opportunity,
21 now would be your time. Okay.

22
23 It looks like we are done with our public comment period. We're
24 going to take a ten-minute break, and we're going to come back
25 and try to knock out a little bit of business that will put us a
26 little ahead of schedule tomorrow, so people can travel safe
27 tomorrow.

28
29 (Whereupon, a brief recess was taken.)
30

31 **CHAIRMAN FRAZER:** If I can get folks back to the table, we'll
32 knock out a couple of committee reports, and then we'll make
33 time for dinner. We will start off, it's okay with you, Phil,
34 with the Administrative Budget Committee Report.

35
36 **COMMITTEE REPORTS**
37 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**
38

39 **MR. DYSKOW:** The Admin and Budget Committee Report, August 23,
40 2021. The committee adopted the agenda, which is Tab G, Number
41 1, as written and approved the minutes, Tab G, Number 2, of the
42 June 2021 meeting as written.

43
44 Modification of Statement of Organization Practices and
45 Procedures (SOPPs), Discussion of Scientific and Statistical
46 Committee (SSC) Membership Composition, and this would be Tab G,
47 Number 4(a), in Tab G, Number 4(a), staff reviewed proposed
48 changes to the verbiage in the SOPPs in Section 2.5 that

1 describe the makeup and required expertise of members appointed
2 to the Standing SSC and that individuals should not serve on
3 multiple special SSCs.

4
5 The intent was to update and clarify the committee members field
6 of expertise, to have a broad range of disciplines without
7 having too many members from any particular discipline on the
8 Standing SSC. The committee proposed additional revisions to
9 the text to add further clarification, but to also allow the
10 potential for flexibility in the future, as necessary.

11
12 **The committee recommends, and I so move, to revise the Statement**
13 **of Organization Practices and Procedures (SOPPs) language to**
14 **read as follows: The Council has established a Standing SSC and**
15 **Special SSCs for individual fishery management plans or areas of**
16 **expertise to provide expert scientific and technical advice to**
17 **the council. The SSC shall review and comment on the scientific**
18 **adequacy of such statistical, biological, economic, social, and**
19 **other scientific information as is relevant to the Council's**
20 **development and amendment of any fishery management plan.**
21 **During the appointment process of the Standing SSC, the Council**
22 **shall appoint no more than 17 individuals, which will include 8**
23 **stock assessment or quantitative biologists/ecologists. The**
24 **remaining appointees shall include at least 2 economists and at**
25 **least 2 anthropologists/sociologists, and 5 other scientists.**
26 **Each member will have demonstrable expertise in one of the above**
27 **categories. Each Special SSC will be comprised of no more than 3**
28 **members, and none of those three shall be a member of the**
29 **Standing SSC or another Special SSC. When a Special SSC meets**
30 **with the Standing SSC, members of the combined committees will**
31 **vote as a whole committee. Council members or their designees**
32 **may not simultaneously serve on the Council and an SSC. Dr.**
33 **Frazer.**

34
35 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
36 board. In committee, that motion carried without opposition,
37 and so is there any further discussion of the motion here? Not
38 seeing any hands, is there any opposition then to the motion?
39 Patrick, some discussion before we vote?

40
41 **MR. BANKS:** Yes, and I'm just a little concerned about how this
42 may impact more the budget, if we can't double up on some of
43 these specials, and we're paying for more and more people. You
44 know, we had said that we don't want somebody to serve on
45 multiple special SSCs, as well as the Standing SSC, and do we
46 see that that's going to -- What kind of increase in the budget
47 are we going to be looking at by not being able to double up on
48 some membership? Do you see what I'm saying? Maybe it's going

1 to be minor. I hope so.

2
3 **CHAIRMAN FRAZER:** I think -- I mean, I will speak to it
4 initially, but then I will let, certainly, Dr. Simmons weigh-in,
5 or Beth, but we had a little bit of discussion of where we sit
6 with regard to our expected expenditures for the SSC, and I
7 think that we have been slightly underbudgeted over the last
8 several years, and so I think that we can absorb any additional
9 costs in that regard. Any other discussion? I am not seeing
10 any. **Is there any opposition to this motion? Seeing none, the**
11 **motion carries.** Mr. Dyskow, back to you.

12
13 **MR. DYSKOW:** Thank you, Dr. Frazer. Discussion of SSC
14 Membership Appointment Process, Tab G, Number 4(b), the
15 committee reviewed Sections 2.5.2 and 2.5.3 of the Gulf Council
16 SOPPs. These sections outline the SSC appointment process, term
17 guidelines, duty to report financial interests, procedural
18 guidelines, and administrative provisions relevant to SSCs
19 specified in the Magnuson-Stevens Fishery Conservation and
20 Management Act. The committee asked questions, but no motions
21 or requests were made directing staff to work on any language
22 changes at this time.

23
24 Discussion of the SSC's Best Practices and Voting Procedures,
25 and this is Tab G, Number 5, staff reviewed the updates to the
26 draft document presented in June 2021, which now include input
27 received from the SSC during its August 2021 meeting on its peer
28 review responsibilities and voting practices. The intention is
29 to place the finalized document on the council website and use
30 it as guidance during the conduct of meetings when the SSC is
31 acting as the peer review body for a stock assessment or other
32 study and voting on the issue of BSIA, the best scientific
33 information available. The council could then consider if the
34 policy should eventually be included in the SOPPs.

35
36 The committee requested additional verbiage to address
37 alternative action the SSC may take if a best available science
38 recommendation cannot be reached. Based on feedback from the
39 committee, staff proposed the following revisions to the
40 proposed voting procedures: "When the SSC is acting as the peer
41 review body for a stock assessment or other study, an SSC member
42 or members should abstain from any motions and voting on the
43 issue of best scientific information available if they have
44 served as the analytical lead, or principal or co-principal
45 investigator or had any direct participation as a member of the
46 analytical team. During the best scientific information
47 available deliberations, the SSC member or members is free to
48 participate in the discussion, answer questions, and provide

1 pertinent expertise and feedback to the SSC. If the SSC cannot
2 reach a best scientific information available recommendation or
3 recommendations, it will provide rationale for this
4 determination and provide recommendations for next steps to
5 achieve a best scientific information available recommendation.

6
7 Once a best scientific information available recommendation has
8 been reached, the SSC member or members is at liberty to motion
9 and vote on remaining management advice, such as pertaining to
10 catch limits, appropriateness of allocation calculations,
11 decision tools developed to inform management action and so
12 forth)." I will stop here, just to see if there is any
13 questions.

14
15 **CHAIRMAN FRAZER:** Sure. Thank you, Mr. Dyskow. Ms. Boggs.

16
17 **MS. BOGGS:** The first sentence under the discussion of the SSC's
18 best practices and voting procedures, it says "the staff
19 reviewed the updates to the draft document presented in June
20 202".

21
22 **CHAIRMAN FRAZER:** We will correct the typo. Thank you for
23 catching it though, Susan. Okay. I don't think there is any
24 other discussion. Hold on. Excuse me. I'm wrong. Mr. Anson.

25
26 **MR. ANSON:** I wasn't on the committee, and I didn't want to ask
27 the question then, but I guess the motion that they came up with
28 to --

29
30 **MR. DYSKOW:** This isn't a motion.

31
32 **MR. ANSON:** Well, okay. The language that this is -- Is this --
33 In "free to participate in discussion and answer questions and
34 provide pertinent expertise and feedback to the SSC", if they
35 cannot reach a BSIA recommendation that will provide rationale
36 for this determination and provide recommendations for next
37 steps, so does the -- Is it the intent or is part of the
38 discussion they have to talk about like any formal written kind
39 of document or anything, kind of similar to those in the
40 minority, like a minority report or anything? I mean, was there
41 anything related to that regarding BSIA, if there's that much
42 contention?

43
44 **MR. DYSKOW:** No. Kevin, what we're trying to do is clarify the
45 best practices and voting procedures in such a way that we have
46 taken out all of those contentious questions that we
47 encountered, at least with the Great Red Snapper Count, and
48 probably with other issues as well, and so this -- The intent is

1 to add this to the SOPPs, so it's very clear who can vote and
2 who can't vote and what level of contribution you can make under
3 whatever circumstances are appropriate at the time, and so it's
4 an additional layer of clarification to avoid these types of
5 issues in the future. That's really all this is.

6
7 **MR. ANSON:** Okay. Thank you very much.

8
9 **CHAIRMAN FRAZER:** Okay. Dr. Simmons.

10
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. This is --
12 Just remember that this section right here would be placed in
13 that larger Tab G, Number 5 and replace that previous language,
14 and so we do have a national policy, and it is listed in that
15 Tab G, Number 5 for BSIA, and it lays out a process, more so for
16 stock assessments, and then there's going to be a regional
17 framework for BSIA that my understanding is the Regional Office
18 is working on, and that would apply to the Southeast councils.
19 We haven't seen that yet, and so, when that comes out, we might
20 want to add that to this.

21
22 Then, as far as like a record goes, I mean, staff really
23 develops the summary, and the summary is reviewed by us
24 internally and the SSC Chair and Vice Chair, and then it goes to
25 the larger body, and then they make edits before it goes to the
26 council, and so we didn't think that we need to have a minority
27 report situation. If that's something the council wants to
28 consider, we can certainly do that.

29
30 **MR. ANSON:** I think I kind of put the cart before the horse, I
31 guess, with my example, in this particular language and what
32 it's attempting to do, and so I understand what this is going to
33 do now. Thank you.

34
35 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Mr. Dyskow, continue,
36 please.

37
38 **MR. DYSKOW:** Thank you. Presentation of the 2019-2020 Audit
39 Report, and this is in Tab G, Number 6, this was an
40 informational presentation of the results of the 2019-2020
41 biennial audit. The independent audit firm issued an unmodified
42 opinion. There were no questioned costs, required adjustments,
43 or material weaknesses noted in procedures, and no further
44 action is required. I should add that not only was Beth Hager
45 involved in this audit report presentation, but also Chairman
46 Frazer and Vice Chair Diaz were involved in this meeting.

47
48 Discussion on SSC Stipends, Tab G, Number 7, in response to a

1 request from council, staff presented background information and
2 estimated costs for 2021 based on potential changes to the SSC
3 stipend rate. A survey of other fishery management councils
4 indicated that the average daily stipend rate for all councils
5 is \$308.

6
7 Although the budget projection for 2021 is to expend most of the
8 remaining budget at the current pay rate, the council has
9 historically underspent the SSC stipend budget. The projection
10 for the next three years, based on the planned meeting activity
11 from the original five-year budget, indicates that the cost of
12 each twenty-five-dollar-per-day increase in rate would require
13 an annual budget increase of about \$5,400. Staff stated that an
14 increase of up to \$350 per day could be adopted with minimal
15 difficulty to the budget, if the committee wished to pursue such
16 an increase.

17
18 If the council approves a stipend increase, the budget would be
19 adjusted in future years, and it should be with the caveat that
20 it is based on annual budget funds availability. **The committee**
21 **recommends, and I so move, to increase the SSC stipend from \$300**
22 **a day to \$325 a day.** Chairman Frazer.

23
24 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. We have a committee
25 motion on the board. That motion carried without opposition.
26 Is there any further discussion by the council? Mr. Gill.

27
28 **MR. GILL:** Thank you, Mr. Chairman. I appreciate the
29 committee's motion, but I note that, if you look at the
30 increase, it's on the order of a little bit about 1 percent a
31 year, straight, from 2014, that ballpark number, and, if we're
32 going to be consistent with the original intent of the \$300 a
33 day, from an inflation standpoint, it doesn't match, and so,
34 since the budget seems to support it -- Let me back up a minute.

35
36 We note that the average of all the councils is \$308, and I'm
37 not as impressed by that, because we don't know what their
38 financial situations are, and that may have been a driver, in
39 terms of that consideration. **I would like to propose a**
40 **substitute motion that increases the SSC stipend from \$300 a day**
41 **to \$350 a day.**

42
43 **CHAIRMAN FRAZER:** We have a substitute motion.

44
45 **DR. SHIPP:** I second it.

46
47 **CHAIRMAN FRAZER:** It's seconded by Dr. Shipp. Is there any
48 further discussion of the motion? General Spraggins.

1
2 **GENERAL SPRAGGINS:** I would just like to ask Ms. Hager to
3 explain how she came up with the \$308. Didn't you give me that
4 information the other day? If you don't mind, could she do
5 that, explain how she came up with the \$308?

6
7 **CHAIRMAN FRAZER:** Sure. Ms. Hager.

8
9 **MS. BETH HAGER:** Yes, sir. That is actually just the average
10 rate. Many of the other councils have different numbers of SSC
11 meetings and a different number of people on their committees,
12 and so it's really hard to get apples-to-apples comparison. The
13 best that we could do was actually just take the average rate
14 that paid per day across all of them, and so we have eight
15 councils, and we took the rate and divided it by the eight, and
16 that was our average that we came up with. Unfortunately, it
17 doesn't speak well if we look at weighted averages or anything
18 else, because there are just a lot of variables going on.

19
20 **GENERAL SPRAGGINS:** Some of them are as low as \$100 a day, and
21 is that correct, and some as high as \$500?

22
23 **MS. HAGER:** Yes, sir. It is a broad range, and the majority of
24 them are around \$300, but it is a very broad range, and the
25 practice of how they're paying or the number of meetings they
26 have can make a huge difference in their overall budgets.

27
28 **CHAIRMAN FRAZER:** General Spraggins.

29
30 **GENERAL SPRAGGINS:** Just one last question. If we do go to
31 \$350, is it okay with our budget? Do you think we'll be okay
32 with it?

33
34 **MS. HAGER:** I think we're okay right now. I think we would have
35 to take that later, as it comes.

36
37 **CHAIRMAN FRAZER:** Thank you, Beth, for entertaining those
38 questions. Mr. Gill.

39
40 **MR. GILL:** Thank you, Mr. Chairman. So, I'm less concerned
41 about where other councils are relative to what their daily
42 stipends are for SSC as opposed to what we think is right and
43 our situation for our conditions, and so, to me, that's the
44 driver, and it's not so much averages or what other councils are
45 paying.

46
47 **CHAIRMAN FRAZER:** Ms. Boggs.

1 **MS. BOGGS:** Kind of back to what Patrick was asking, and, I
2 mean, I'm not opposed to paying what's reasonable and fair, but,
3 now that we've made the decision to not allow people to serve on
4 multiple SSCs, and kind of to General Spraggins, and can we
5 afford it, and I understand what Beth is saying, and it depends
6 on how many meetings you have, et cetera, et cetera, et cetera.
7 I just want to make sure that the council is doing something
8 responsible by increasing this in the confines of our budget.
9 That's all. Thank you.

10
11 **CHAIRMAN FRAZER:** I appreciate the concern. I mean, the simple
12 math, in my mind, is that, in order to accommodate the \$300 to
13 \$325 adjustment, it was about five-thousand-something dollars,
14 right?

15
16 **MR. DYSKOW:** \$5,400.

17
18 **CHAIRMAN FRAZER:** Yes, \$5,400, and so, if you wanted to go to
19 \$350, you're essentially looking at close to \$11,000, and so,
20 again, that's something we would have to -- Ms. Hager says that,
21 in the grand scheme of our budget, that doesn't appear to be a
22 huge hurdle, but that's, again, up to everybody around the
23 council here. Dr. Simmons.

24
25 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. You know, we
26 get annual funding, and we bring the council an annual budget,
27 and we try to anticipate how many meetings, et cetera, we will
28 have, and so I think, in 2020, Ryan, we had like nine SSC
29 meetings, and they were all virtual.

30
31 **MR. RINDONE:** Yes, ma'am.

32
33 **EXECUTIVE DIRECTOR SIMMONS:** So we really worked everybody
34 pretty hard. In other years, we may have four or five meetings,
35 and so it's going to fluctuate, and, also, they don't get travel
36 days or homework days as well, and state and federal employees
37 in there as well are not getting a stipend, and so it's going to
38 fluctuate, and we try to do our best, but, if it comes that that
39 one particular line item is overspent, what I suggest we do is
40 we come back and we revisit that and make sure that we're not
41 continuously overspent and we adjust another category, such as
42 travel or other areas that we can move things around.

43
44 **CHAIRMAN FRAZER:** Thank you, Dr. Simmons. Leann. Sorry. I
45 didn't see your hand up.

46
47 **MS. BOSARGE:** You're fine. I'm finally able to get back on the
48 internet over here in Mississippi. It's rough today, but I

1 think I'm going to support the substitute motion, I think. I
2 appreciate staff bringing those numbers on the other councils
3 and what they pay.

4
5 However, also, I kind of have to take into consideration that
6 we're kind of a data-rich council, when you compare us to maybe
7 things like the Caribbean, where a lot of their species are data
8 poor, and so it just -- I think we have -- Because we're data
9 rich, we have a lot of scientific expertise here, and I think
10 you have to factor that in, as far as what you pay people, and
11 so I am comfortable with the \$350 a day, but I am cognizant of
12 what Dr. Simmons said, and I most certainly want you to bring
13 this back to us, if you see that it may be causing a problem,
14 because I am not one to overspend. I like to stay within
15 budget, and so let us know if you see any issues as we proceed,
16 but I am going to vote in favor of the substitute motion. Thank
17 you.

18
19 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. I guess, the way that
20 this is written, it would come into effect in Calendar Year
21 2022, and is that right, or is it immediate? Okay, and so it's
22 -- All right. I am going to assume then, based on this
23 exchange, that it will be effective immediately. Okay. Well,
24 we'll keep an eye on the projections and work responsibly
25 through our budget. Mr. Banks.

26
27 **MR. BANKS:** I apologize, and I was not here for the discussion,
28 and you all probably talked about it, but somebody tell me real
29 quick how this issue came up, and did we have some complaints
30 from SSC members that we were paying too little, or did we --
31 Just remind me, please. Thanks.

32
33 **CHAIRMAN FRAZER:** Mr. Diaz, I mean, you brought it up
34 originally.

35
36 **MR. DIAZ:** I just -- It was -- I had brought it up at the last
37 meeting for a topic of discussion for this meeting, and the only
38 reason I brought it up is it was brought to my attention that we
39 just have not looked at this in a long time. I think the last
40 time that we looked at their pay was 2014.

41
42 **CHAIRMAN FRAZER:** Dr. Simmons.

43
44 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. It just made
45 sense, and we just repopulated this committee, and they're at a
46 three-year new term cycle, and that's why we're looking at it as
47 well. Thanks.

48

1 **CHAIRMAN FRAZER:** Okay. We've got a substitute motion on the
2 board. The motion was made by Bob Gill and seconded by Bob
3 Shipp. We've had a fair amount of discussion. **Is there any**
4 **opposition to the motion? Seeing none, the motion carries.** Mr.
5 Dyskow.

6
7 **MR. DYSKOW:** Thank you, Mr. Chair. This concludes my report.

8
9 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. Is there any other
10 business related to this particular committee that needs to be
11 heard by the council? I am not seeing any, and we will move on
12 to our next committee report, the Sustainable Fisheries
13 Committee and Mr. Diaz.

14
15 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

16
17 **MR. DIAZ:** Thank you, Mr. Chair. The Sustainable Fisheries
18 report, August 23, 2021, the committee adopted the agenda, Tab
19 B, Number 2, and approved the minutes, Tab B, Number 2, of the
20 June 2021 meeting as written.

21
22 Update on Historical Captain Permits Conversions, Tab B, Number
23 4, Kevin McIntosh of National Marine Fisheries Service Southeast
24 Regional Office provided an update on the conversion of
25 historical captains permits into standard federal
26 charter/headboat reef fish or coastal migratory pelagics
27 permits. Mr. McIntosh indicated that a total of sixty-one
28 historical captain permits were eligible for the conversion. To
29 date, fifty-nine of those historical captain permits were
30 converted into standard permits.

31
32 The committee inquired about the two historical captain permits
33 registered to a single individual that are not yet converted
34 into standard permits. Mr. McIntosh indicated that these
35 permits are from Florida. Mr. McIntosh also noted that the six
36 historical captain permits issued after October 2018 are not
37 eligible for the conversion.

38
39 Committee members inquired about the number of persons holding
40 non-convertible permits. Staff noted that three persons
41 currently hold permits that cannot be converted. Committee
42 members indicated that owners of non-convertible historical
43 captain permits have reached out to them to inquire about
44 opportunities to convert their permits. Staff noted that an
45 abbreviated framework action may be a suitable avenue to address
46 the conversion of these outstanding historical captain permits.

47
48 The committee unanimously approved the following motion. **The**

1 committee recommends, and I so move, that staff initiate a
2 document which allows conversion of the recently issued
3 historical captain permits to conventional permits.
4

5 **CHAIRMAN FRAZER:** Okay, and so we've got a committee motion on
6 the board. Is there any further discussion of the motion? **Is**
7 **there any opposition to the motion? Seeing none --** Before we
8 move on though, I would like to note that Ms. Boggs had asked if
9 she could abstain from this particular vote, because her husband
10 owns one of the historical captains permits, and we wanted to
11 avoid any potential conflict of interest here, and so thank you,
12 Ms. Boggs, for bringing that to my attention. **The motion**
13 **carries without opposition and one abstention.** Mr. Diaz.
14

15 **MR. DIAZ:** NS 1 Technical Guidance Subgroup 3 Technical Memo -
16 Managing with Annual Catch Limits for Data-Limited Stocks in
17 Federal Fishery Management Plans, Tab E, Number 5, Dr. Nance,
18 SSC Chair, discussed the technical guidance memo, which
19 clarifies flexibilities in management to annual catch limits for
20 data-poor or data-limited stocks managed by the council.
21

22 Historically, ACLs are managed in numbers or weight of fish.
23 Alternatively, depending on how data-poor a stock may be, an ACL
24 could be expressed as a rate of exploitation for instances where
25 the fishing mortality rate is known and the maximum fishing
26 mortality rate has been defined. In discussing the state of the
27 stocks managed by the council, the SSC thought that Caribbean
28 spiny lobster may be a candidate for management under an
29 exploitation rate, as opposed to its current management under an
30 ACL measured in pounds. Mr. Chair, this concludes my report.
31

32 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Is there any other
33 business that might be related to the Sustainable Fisheries
34 Committee that needs to come before the council? I am not
35 seeing any. We are going to transition right into one more
36 quick committee report, and that will also be under Mr. Diaz's
37 control, and that will be Law Enforcement Committee.
38

39 **LAW ENFORCEMENT COMMITTEE REPORT**

40
41 **MR. DIAZ:** The Law Enforcement Committee Report, August 25,
42 2021, the committee adopted the agenda with the addition of a
43 message for the committee from General Spraggins, Tab L, Number
44 1. The minutes, Tab L, Number 2, from the October 2020 meeting
45 were approved as written.
46

47 General Spraggins shared with the committee the passing this
48 summer of Mississippi Division of Marine Resources Senior Master

1 Sergeant Tommy Jennings and asked committee members to keep his
2 family in their thoughts.

3
4 Law Enforcement Technical Committee Meeting Summary, Tab L,
5 Number 4, staff highlighted two sections of the LETC meeting
6 summary for the committee. First, Florida Fish and Wildlife and
7 the NOAA OLE have coordinated their activities to respond to the
8 issue of illegal fishing charters, including an interagency
9 meeting held with for-hire operators. Second, in response to a
10 request from the LETC, the state-specific contact information
11 for reporting violations has been added to the Fish Rules
12 application.

13
14 Approval of Cooperative Law Enforcement Strategic Plan 2021
15 through 2024, Tab L, Number 5, staff informed the committee
16 that the LETC reviewed the previous strategic plan and had no
17 changes to make for the 2021 through 2024 version. **The**
18 **committee recommends, and I so move, to approve the 2021 through**
19 **2024 Cooperative Law Enforcement Strategic Plan.**

20
21 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is
22 there any further discussion of the motion? I am not hearing
23 any interest in that. **Is there any opposition to the motion?**
24 **Seeing none, the motion carries.** Mr. Diaz.

25
26 **MR. DIAZ:** Approval of Cooperative Law Enforcement Operations
27 Plan 2021 through 2022, Tab L, Number 6, staff informed the
28 committee that the LETC updated various sections of the previous
29 operations plan, with changes indicated in track changes. **The**
30 **committee recommends, and I so move, to approve the 2021 to 2022**
31 **Cooperative Law Enforcement Operations Plan.**

32
33 **CHAIRMAN FRAZER:** Okay, and so we have, again, a committee
34 motion on the board. Is there any further discussion of this
35 motion? **Not hearing any discussion, any opposition? Hearing no**
36 **opposition to the motion, the motion carries.** Mr. Diaz.

37
38 **MR. DIAZ:** Mr. Chair, this concludes my report.

39
40 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Is there any other
41 business that might need to come before the Law Enforcement
42 Committee, or related to the Law Enforcement Committee, today?
43 Not seeing any, and so we will adjourn for the day. Thank you,
44 guys, for kind of powering out those three committee reports. I
45 think it will help us tomorrow, so we have a little bit of time.
46 I hope you enjoy your dinner and have a good night.

47
48 (Whereupon, the meeting recessed on August 25, 2021.)

1
2 - - -
3
4 August 26, 2021
5
6 THURSDAY MORNING SESSION
7
8 - - -
9

10 The Full Council of the Gulf of Mexico Fishery Management
11 Council reconvened on Thursday morning, August 26, 2021, and was
12 called to order by Chairman Tom Frazer.
13

14 **CHAIRMAN FRAZER:** All right. We're all going to get started.
15 We are going to kind of go through the reports in the order that
16 they are still outstanding, but, before we get started, we're
17 going to have John O'Malley from NOAA's Office of Law
18 Enforcement that would like to make a quick announcement.
19 Officer O'Malley.
20

21 **MR. JOHN O'MALLEY:** Good morning. I just wanted to introduce
22 our new agent for League City, the new Special Agent in League
23 City. His name is Chris Ahr, and so, for those of you that
24 don't know, League City is in between Galveston and Houston, and
25 so now we will have an agent in Corpus Christi and an agent in
26 League City. Thanks.
27

28 **CHAIRMAN FRAZER:** All right. Thank you, Officer O'Malley. I
29 appreciate that. Also, I would like to introduce the group to
30 Dakus Geeslin. Dakus, welcome.
31

32 **MR. DAKUS GEESLIN:** Thank you, everyone. I'm Dakus Geeslin,
33 Deputy Director of Coastal Fisheries, Texas Parks and Wildlife,
34 and I'm sitting in as a proxy for Robin Riechers today. Thanks,
35 Tom.
36

37 **CHAIRMAN FRAZER:** Thanks for being here, Dakus. All right.
38 We're going to get started right away with the Shrimp Committee
39 Report. Ms. Bosarge, if you're ready to go, I will let you have
40 at it.
41

42 **SHRIMP COMMITTEE REPORT**

43
44 **MS. BOSARGE:** Thank you, Mr. Chair. All right, and so the
45 Shrimp Committee report. The committee adopted the agenda, Tab
46 D, Number 1, and the committee approved the minutes under Tab D,
47 Number 2 of the June 2021 meeting as written.
48

1 Update on Effort Data Collection for 2021, Tab D, Number 4, Dr.
2 Lowther presented an update on the shrimp cellular electronic
3 logbook (cELB) interim data collection process. The cELB units
4 ceased transmitting in December 2020. However, the cELB units
5 are still collecting data.

6
7 The data will first be manually collected by the Southeast
8 Fisheries Science Center via San Disk, or SD, cards, and then
9 the Gulf States Marine Fisheries Commission will load data onto
10 their server within one month of receiving the SD cards.

11
12 Dr. Lowther further reviewed the steps and timeline for
13 maintaining the data collection. He noted that the process of
14 manual data collection via SD cards would be repeated in the
15 fall and thereafter as needed. Of the 493 replacement SD cards
16 sent out on June 1, 2021, 212 SD cards have been returned to the
17 Southeast Fisheries Science Center.

18
19 Within the first batch of cards sent to the Gulf States Marine
20 Fisheries Commission, ninety-five of the 103 cards contained
21 data, although the data still needs to be analyzed to confirm it
22 is usable. Dr. Lowther stated that reminder postcards would be
23 sent to those who have not returned SD cards and encouraged
24 discussion from the Shrimp Committee on how to improve the
25 return rate.

26
27 Mr. Riechers noted that half of the SD cards had been returned
28 and that almost 100 percent of the first batch had data. He
29 inquired if the second batch sent to the Gulf States Marine
30 Fisheries Commission would be similar to the first batch, in
31 terms of having data. Dr. Lowther replied that he did not
32 anticipate any issues with the second batch.

33
34 Mr. Riechers asked what the expected return rate is for SD cards
35 and how that relates to past reporting. Dr. Lowther replied
36 that it would be difficult to compare current reporting with
37 past reporting, since the Southeast Fisheries Science Center was
38 able to replace non-functioning antennas more quickly before.

39
40 Previously, data were transmitting via cellular network, and so
41 problems could be identified quickly. Currently, a delay exists
42 in discovering if data are unusable. Mr. Riechers asked if the
43 number of reports being returned across a stratified sample in
44 the Gulf was similar to what occurred prior to the manual
45 collection of SD cards. Dr. Lowther replied that it was too
46 early in the process to know.

47
48 Ms. Bosarge asked how the orders of additional SD replacement

1 cards were proceeding and if that would impact the ability to
2 have data collection twice a year, as was originally planned by
3 the Southeast Fisheries Science Center. Dr. Lowther stated the
4 order for the next batch of SD cards had not been placed yet.
5 Ms. Bosarge stated that she would like an update on the expected
6 delivery date for the SD cards at Full Council, if possible, or,
7 alternatively, at the next council meeting, in case an
8 adjustment to the current SD card mailout process is needed.

9
10 Draft Framework Action: Modification of the Vessel Position Data
11 Collection Program for the Gulf of Mexico Shrimp Fishery, Tab D,
12 Numbers 5(a) through (e), Dr. Freeman reviewed the purpose and
13 need statements and noted the changes to the purpose statement
14 made by the council at its June meeting.

15
16 He reviewed potential draft options under Action 1, which
17 considered maintaining data collection from a sample of the
18 industry, as well as expanding data collection to a census
19 level. He then reviewed draft options for when the devices
20 should be collecting data, which included South Atlantic VMS
21 language, which specifies the devices are collecting data when
22 on a fishing trip, as well as Draft Action 2 with VMS power down
23 exemptions.

24
25 Mr. Diaz noted that the purpose statement contains the language
26 "while minimizing the economic burden on the industry to the
27 maximum extent practicable". He commented that the purpose
28 statement seems to lend itself to Option a. He further stated
29 that, if the current data collection program provides what is
30 needed, there is no need to expand it.

31
32 Mr. Schieble stated that he did not see what an expanded data
33 collection program would provide, in terms of benefits. Mr.
34 Strelcheck responded that the challenge with the current program
35 is that it is a static sample and not statistically designed to
36 rotate to other permit holders, with minor changes as permits
37 are transferred. Therefore, only the owners or operators of a
38 shrimp vessel that had been selected to participate bear the
39 cost burden of this data collection program.

40
41 Ms. Bosarge stated that about a quarter of the industry has
42 latent permits, and those individuals would also be forced to
43 incur program costs if census-level data collection was selected
44 as preferred. Mr. Strelcheck commented that it was fine if the
45 committee wanted to include Option 2b and 3b, but not consider
46 them to be the preferred option. On the other hand, if the
47 committee wanted to remove Option b, then the language of Option
48 a could be incorporated back into the language of Alternatives 2

1 and 3, as it was previously.

2
3 Although not on the committee, Mr. Gill stated that the pressing
4 need is to solve the issue of getting data to the Science
5 Center. He stated that VMS is not designed for the purpose of
6 scientific data collection. Mr. Diaz stated he was debating
7 whether to move Options 2b and 3b to Considered but Rejected or
8 to leave them for further consideration.

9
10 Dr. Walter commented that, as will be seen in Ms. Lee's
11 presentation later in the agenda, an improvement to bycatch
12 monitoring, spatially and temporally, would improve the quality
13 of information. Dr. Froeschke added that there is a requirement
14 to either maintain or improve the quality of sea turtle
15 monitoring. He added that there are some practicable benefits,
16 such as addressing the scaling of a sample for red snapper
17 bycatch and having to assume that the composition of the
18 industry has not changed. Census-level collection would avoid
19 that issue.

20
21 Mr. Riechers stated that they need to take the most expedited
22 approach to solving the data collection program issue in front
23 of the council. Ms. Bosarge requested that the current sample
24 size stay the same and that census-level not be considered in
25 the document, in order to stay focused on the more pressing task
26 at-hand.

27
28 **The committee recommends, and I so move, to not incorporate**
29 **Draft Options 2b and 3b in Action 1 of the draft framework**
30 **action. Draft Framework Action: Modification of the Vessel**
31 **Position Data Collection Program for the Gulf of Mexico Shrimp**
32 **Fishery. Option 2b: All owners or operators of a shrimp vessel**
33 **with a valid or renewable SPGM would be required to install an**
34 **approved device, as defined in the alternative. Option 3b: All**
35 **owners or operators of a shrimp vessel with a valid or renewable**
36 **SPGM would be required to install an approved device, as defined**
37 **in the alternative. The motion carried without opposition.**

38
39 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Bosarge. We have a
40 committee motion on the board here. Is there any further
41 discussion of the motion? **Not seeing any, is there any**
42 **opposition to the motion? Not seeing any opposition, the motion**
43 **carries.** Ms. Bosarge.

44
45 **MS. BOSARGE:** Thank you. Ms. Bosarge next addressed the draft
46 Action 2 and whether the VMS would need to be on at all times or
47 have power-down exemptions. She noted that, if effort data are
48 only needed when a vessel is shrimping, then only that language

1 would be needed in the document.

2
3 Mr. Anson inquired if the language would need to say "trip" or
4 "fishing trip". Ms. Levy stated that "trip" is defined in 50
5 C.F.R. 622.2 as "a fishing trip, regardless of number of days
6 duration, that begins with departure from a dock, berth, beach,
7 seawall, or ramp and that terminates with return to a dock,
8 berth, beach, seawall, or ramp." This definition applies to all
9 of the Gulf, South Atlantic, and Caribbean regulations, unless
10 the term is defined differently in a particular provision. Mr.
11 Anson suggested further defining "trip" at a future council
12 meeting.

13
14 **The committee recommends, and I so move, in Action 1, to add the**
15 **following language to Alternatives 2 and 3. Alternative 2: The**
16 **owner or operator of a shrimp vessel with a valid or renewable**
17 **Gulf shrimp moratorium permit (SPGM) would be required to**
18 **install an approved vessel monitoring system (VMS) that archives**
19 **vessel position "when on a fishing trip in the Gulf of Mexico"**
20 **and automatically transmits that data via cellular service to**
21 **NMFS. Alternative 3: The owner or operator of a shrimp vessel**
22 **with a valid or renewable SPGM would be required to install an**
23 **approved electronic logbook that archives vessel position "when**
24 **on a fishing trip in the Gulf of Mexico" and automatically**
25 **transmits that data via cellular service to NMFS. The motion**
26 **carried without opposition.**

27
28 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Again, we've got a
29 committee motion on the board. Is there any further discussion
30 of the motion? **Not hearing any, is there any opposition to the**
31 **motion? No opposition to the motion, and the motion carries.**
32 Ms. Bosarge.

33
34 **MS. BOSARGE:** Ms. Bosarge noted that Alternative 2 should be
35 explicit in stating that it formally implements a VMS program
36 for the shrimp fishery. **The committee recommends, and I so**
37 **move, in Action 1, Alternative 2, to add the following language:**
38 **Alternative 2: "Implement a VMS requirement for the Gulf shrimp**
39 **fishery." The owner or operator of a shrimp vessel with a valid**
40 **or renewable Gulf shrimp moratorium permit (SPGM) would be**
41 **required to install an approved vessel monitoring system (VMS)**
42 **that archives vessel position "when on a fishing trip in the**
43 **Gulf of Mexico" and automatically transmits that data via**
44 **cellular service to NMFS. The motion carried without**
45 **opposition.**

46
47 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Again, we have a
48 committee motion on the board. Is there any further discussion

1 of the motion? Mr. Strelcheck.

2
3 **MR. STRELCHECK:** I just wanted to note, and I feel like I'm a
4 broken record a little bit, that, to me, this is unnecessary.
5 By definition, whether you're talking Alternative 2 or
6 Alternative 3, it is considered a vessel monitoring system, and
7 we already are stating in the alternative that we would be
8 requiring vessel monitoring systems, and so I see this as
9 redundant language that just is unnecessary from the standpoint
10 of the alternative.

11
12 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. Is there any other
13 discussion? **Not hearing any, is there any opposition to this**
14 **motion? The motion carries with one opposed.** Ms. Bosarge.

15
16 **MS. BOSARGE:** Mr. Strelcheck noted that, despite calling it an
17 electronic logbook, he believes the agency's position is that
18 the device would still be considered a VMS, and, therefore,
19 Alternatives 2 and 3 seem to be the same. Dr. Freeman confirmed
20 that that was the understanding of the IPT.

21
22 Further, the IPT was constrained in developing a reasonable
23 range of alternatives, given that 600.1500 provides the
24 definition that "Vessel Monitoring System" (VMS) means, for
25 purposes of this subpart, a satellite and/or cellular based
26 system designed to monitor the location and movement of vessels
27 using onboard VMS units that send global positioning system
28 position reports to an authorized entity.

29
30 Ms. Bosarge noted that the committee had requested a reasonable
31 range of alternatives prior to being presented with the first
32 draft of the document and that the committee offered reasonable
33 options, which were not related to VMS units, as VMS units have
34 not historically been the method for collecting primary effort
35 data in commercial fisheries in the Gulf.

36
37 She stated the information contained in the next agenda item,
38 the Comparison Table of Draft cELB Specifications and Current
39 NOAA OLE VMS Specifications, would provide additional
40 clarification on the differences between Alternatives 2 and 3
41 and would hopefully be helpful for not only the council, but
42 also the IPT, as they further develop these two alternatives in
43 the document. Agenda Items 5(c) through (e) will be addressed
44 in Full Council, and, Mr. Chairman, I think this would probably
45 be the best spot to pause and quickly go through those agenda
46 items, which is mainly just the one that we'll really go through
47 and focus on, and would that be appropriate?

1 **CHAIRMAN FRAZER:** I think so, Leann. I think that will keep
2 with the flow, I think, of the committee report, and so we can
3 do it right now.

4
5 **MS. BOSARGE:** Okay. Thank you, sir. If you look at the shrimp
6 agenda, Agenda Items 5(c) through (e), and so you have the
7 comparison table that I just mentioned that will compare and
8 summarize the differences between the draft CELB type approval
9 specifications that would support Alternative 3 and the current
10 NOAA OLE VMS type approval specifications that support
11 Alternative 2.

12
13 Below that, you actually have the type approval specifications
14 in full for both the NOAA OLE VMS and the draft CELB specs, and
15 I'm not going to go through those two items, as they really
16 support and are background information for the comparison data,
17 and so, if we can pull up the comparison tables located under
18 Tab D, Number 5(c), I will try and quickly go through that.

19
20 While staff is pulling that up, I will just kind of introduce
21 it. NOAA already has type approval specifications for devices
22 that would meet the purpose and need for a NOAA OLE VMS device.
23 Now, in the commercial fishery, that device was designed for law
24 enforcement purposes.

25
26 When I read through those technical specifications, I realized
27 that they really were not a great fit for the intended purpose
28 of a shrimp electronic logbook, and Andy refers to it as a VMS
29 device. Whatever you refer to it as, there were things that
30 we're going to need to change in order to ensure that we have a
31 successful shrimp data collection program moving forward.

32
33 I realize, at some point, that NOAA probably was not in the
34 market to write technical specifications for CELBs, not because
35 they didn't want to, but because those had been written by a
36 different body within NOAA, right, and so, if NOAA sees that
37 it's a law enforcement program, that would really be written by
38 law enforcement, in their opinion, I am guessing, and, honestly,
39 the Science Center is just not in the business of writing
40 technical specifications for devices, and so I said, you know
41 what, I feel like there has got to be some changes, and I will
42 do my best to draft those specifications, based on the current
43 program we have on these boats that's historically been used and
44 the device that collects it.

45
46 That's in an effort to create specifications that vendors can
47 apply for to make sure that we get a scientific device that's
48 reliable and not a law enforcement device that's reliable,

1 because, if our data, our scientific data, is not reliable, then
2 my industry will be in a world of hurt, and, more than likely,
3 the agency will be in a world of hurt, because of what this data
4 is used for. That's what I did here, and I'm going to take a
5 minute to go through it.

6
7 I have reformatted the tech specs that I sent out to the council
8 and presented to the council last time, so that they would
9 match, so that the cELB type approval specs would match the
10 formatting of the VMS technical specifications. I did that to
11 make the agency's life easier, so they could compare, very
12 easily, one to the other. This table is a summary of the
13 differences between the two.

14
15 In that first column, that's the different sections in each one
16 of the type approval specifications, and so the first -- We're
17 going to go through it section-by-section, and, a lot of these,
18 we'll fly through, but, these first couple, we need to take a
19 little time on.

20
21 The vessel monitoring system type approval process, in that
22 section, the main difference between VMS requirements and cELB
23 requirements are that, anytime the VMS requirements refer to a
24 VMS or EMTU or EMTU-C, the cELB is going to call that a hardware
25 or software device. Then the other main difference, and you
26 will see these two differences repeated throughout this table,
27 and the other main difference is that, anywhere the VMS
28 requirement is referred to as NMFS Office of Law Enforcement, in
29 the cELB, that is just going to be referred to as NMFS.

30
31 In some cases, where it's talking about transmission of data, I
32 specified that NOAA OLE is excluded for transmission purposes in
33 the cELB specifications. Now, we can have debate on that later,
34 and probably not at this meeting, but I wanted it in there to at
35 least understand the direction that the industry was headed with
36 the scientific data collection program and the way our system is
37 set up now.

38
39 Now, the one that I want to focus on here is, in the VMS
40 specifications, the testing of the device, before it's approved,
41 is optional. At-sea testing is optional. There is land-based
42 testing that's mandatory, but putting it on a boat and going
43 offshore is optional. I will say that, most of the time, OLE
44 does do that. However, it's not always on the type of boat that
45 it's going to function on.

46
47 Sometimes, they opportunistically find a boat, and it might be a
48 law enforcement boat that they can shove it on and send it out,

1 right, and so my specifications make testing at-sea mandatory,
2 and I specified protocol. The testing that NOAA OLE does is for
3 reliability, making sure that you've got a device that you can
4 go put out in the marine environment and bounce it around a
5 bunch, and it still comes on. That is one of the main goals,
6 and it transmits data.

7
8 We are using this for a different purpose in Shrimp. You have
9 to make sure that that device is getting a position fix every
10 ten minutes. If it is not, our data will be skewed, and so the
11 way, in my mind, that you go about doing that, and I talked to -
12 - I did my research, and I talked to people that used to work
13 for NMFS that were involved in the actual testing of the devices
14 that we have on the boat now and how they ensured that they were
15 getting scientifically-reliable data, and I talked to Dr. Benny
16 Gallaway, who actually wrote the first code, the shrimp
17 algorithm program, that the Science Center still uses.

18
19 I tried to understand all of those elements and how to
20 troubleshoot those, to make sure that we are getting
21 scientifically-reliable data, and so I just want to read you one
22 thing, real quick, that I put in there as a testing protocol
23 when you go offshore.

24
25 It says at-sea testing aboard an offshore shrimp vessel
26 includes, but is not limited to, and that was from Mara,
27 ensuring that installed hardware or software devices, GPS
28 signal, and connection is sufficient to obtain and record at
29 least 95 percent of the required ten-minute interval position
30 fix data in a twenty-four-hour period for each twenty-four-hour
31 day of at-sea testing, with a minimum of seven days spent at-sea
32 for these trials, comparing vessel speed and activity, as
33 recorded by a human observer aboard the vessel, aboard the
34 offshore shrimp vessel, and comparing that against the speed and
35 activity generated by the NMFS shrimp effort algorithm program
36 when the device's data is plugged into it, to make sure that the
37 two datasets coincide.

38
39 In other words, we -- This is how they did it when we tested the
40 devices we have on the boat now, when NMFS tested them. They
41 put a man on a boat, and they let the device get position fix
42 data that is the same -- All you're trying to do with that
43 position fix data is determine if the boat is trawling,
44 transiting, or on anchor, and that's all based off of speed the
45 boat is going.

46
47 The man on the boat says, okay, midnight to three in morning, we
48 were trawling. Then we were trawling again from three to six,

1 and we anchored up at six. You get the data off that machine,
2 and you plug it into the shrimp algorithm, the machine you're
3 testing, and, if it doesn't say the same thing as the human
4 observer says, then that is what tells you, oh, wait a minute,
5 something is off with the way this machine is collecting data.
6 Is it not getting a fix every ten minutes, or what is going on,
7 and you have to start digging deeper.

8
9 If it doesn't get a fix every ten minutes, then what happens is
10 you might be calculating an average speed that shows that you
11 were trawling when you weren't. You might have been transiting
12 and been on anchor, and, when you average the speed out between
13 say eight knots and zero knots, it might come in line with what
14 would be trawling speed, which is typically around two-and-a-
15 half or three-and-a-half knots.

16
17 Then you have skewed your data, and you might be saying that we
18 were trawling for twelve hours when in fact we weren't trawling
19 for any of those hours, and your effort data is off at that
20 point, and that has ramifications for my industry and for the
21 agency.

22
23 This section here, I really tried to highlight the differences
24 between a law-enforcement-designed program and a program
25 designed for scientific purposes. There has to be certain
26 testing protocol, to make sure that you don't have the industry
27 install devices that don't work for the purpose intended and
28 then you have to take them back off and redo this again, not to
29 mention that you have crappy data for a year or so before you
30 realize it.

31
32 All right. The next section is the communications
33 functionality, and this one -- The big difference, in a
34 nutshell, is there is really only three main things that the
35 current cELBs need to be able to do, and you can see those in
36 that column, that second column, whereas, for VMS, there is nine
37 different things that that device is required to do, and six of
38 them are not needed for shrimp. It's overkill for what we need.
39 When you get a device that is overengineered, it's just more
40 things that break, and you didn't need them, right?

41
42 Then the other big thing is that, for the cELBs, we're
43 specifying that it has to have communication and data mechanisms
44 that are compatible with your NMFS cELB effort analysis program,
45 whereas, with the VMS, they want it to be compatible with the
46 NOAA OLE VMS program, and that doesn't really matter to us.

47
48 Section 3 is position reports/position fix data formats and

1 transmission. Now, this is an important section. For VMS, as I
2 have stated before, the requirement is that it hold a minimum of
3 a thousand position fixes. Well, they ping once a day, and
4 shrimp devices have to ping -- They ping once an hour, and
5 shrimp devices have to ping six times an hour, and you're only
6 going to store one week of data, if you're only required to
7 store a thousand position fixes, and you can see, in the draft
8 cELB technical specifications, the minimum is 14,400 position
9 fixes that have to be able to be stored, and that's essentially
10 a hundred days of data, and so that gets you three months,
11 minimum. I would prefer more, but I shot for a minimum, to be
12 consistent with the VMS specs.

13
14 Again, this section will ensure that the data that comes in is
15 compatible with the NMFS shrimp effort algorithm program, so
16 that it can be easily plugged in and outputs generated, whereas
17 the VMS is, again, designed to be compatible with NOAA OLE
18 software programs.

19
20 Then the VMS requirements have a host of -- They get a position
21 fix once an hour, if that's what the fishery requires, which is
22 what ours do in the Gulf, but then they have this whole host of
23 other rules that, if you cross in this line, or this type of
24 boundary, or if you power-down the device, all sorts of
25 different things, it generates another position fix, and it's
26 just not needed for our purposes. For law enforcement it is,
27 but not from us. The next section --

28
29 **CHAIRMAN FRAZER:** Leann, just real quick, Mr. Strelcheck would
30 like to ask a question, or make a comment.

31
32 **MS. BOSARGE:** Yes, sir.

33
34 **MR. STRELCHECK:** Thanks, Leann. I am just wondering how useful
35 this is for the council, in terms of discussion at this point,
36 and I want to suggest potentially an alternative path here, and
37 the reason is, when we went through, for example, the
38 charter/for-hire reporting action, you didn't dictate to us the
39 technical specifications, right? Now, what Leann has done, to
40 me, is super helpful for the agency, and it gets into a level of
41 detail that I don't feel like the council needs to be bothering
42 with right now, in terms of our time, but maybe a working group,
43 or some sort of subgroup of the council and NMFS and the Office
44 of Law Enforcement could work through some of these issues and
45 be able to bring that to the council at a later meeting, a
46 better plan forward, because I feel like, right now, we've been
47 going down separate tracks and haven't been, obviously, seeing
48 eye-to-eye, in terms of a path forward.

1
2 I certainly hear and respect Leann's concerns about the
3 requirements maybe being more onerous than they need to be with
4 the VMS, and so I think the agency stands ready to look at this
5 more carefully and determine if we can approve something or go
6 down the path of approving something through the council process
7 that would meet the science needs of the shrimp industry,
8 accommodating, obviously, and addressing any of the concerns
9 that are laid out by industry here.

10
11 I just wanted to stop Leann, and I know, Leann, this is
12 important to you, and you want to go through the details of
13 this, but I'm not sure how useful it is for the Full Council to
14 hear all these details, and I wanted to suggest an alternative
15 path forward that might be more fruitful.

16
17 **MS. BOSARGE:** Mr. Chairman, if I may?

18
19 **CHAIRMAN FRAZER:** Go ahead.

20
21 **MS. BOSARGE:** I don't mind having that discussion that you're
22 wanting to have, Andy, but I would like to finish with the
23 comparison table first. I had hoped that NMFS would have
24 written these, and it's certainly not something that's in my
25 wheelhouse, but I realized that NMFS truly believed that the VMS
26 program, as it stood, would be just fine for shrimp data
27 collection purposes and that you were not going to write these
28 draft tech specs.

29
30 This is certainly not something that I wanted to do. However,
31 now that I have spent weeks of my time to do it, I do believe
32 this comparison table helps the council, everyone around that
33 table, understand what is different between that VMS program and
34 what the shrimp fleet has right now in a CELB program and the
35 issues that we need to work through, and so I would like to at
36 least -- This will speed up, because we're about to get into all
37 the sections where I didn't change anything, or changed very
38 little, and I would like to at least finish this comparison
39 table, and then we can have that discussion that you're wanting
40 to have, if that's okay.

41
42 **CHAIRMAN FRAZER:** Okay, and so, Leann, but I would ask though,
43 because there's a -- I appreciate that you put a lot of work
44 into this, and it merits the attention of the council, for sure,
45 and the details are there in people's briefing materials, but if
46 you would try to move through it expeditiously, and then we'll
47 have a brief discussion about what our next steps might be, and
48 so go ahead, Leann.

1
2 **MS. BOSARGE:** Sure thing. The next section is latency
3 requirements, and that's pretty much the same in both cELB and
4 VMS tech specs. Messaging, that section is not in the cELB tech
5 specs at all, because it's not needed. We don't need reply
6 functions and address books for email and fifty messages in an
7 inbox. It's completely omitted from shrimp cELBs. Electronic
8 forms, again, simply omitted from the cELB specs, because we
9 don't have forms that we need to fill out at-sea.

10
11 Communications and security, it's just about completely the
12 same. The only thing I changed is that, in the cELB specs, you
13 are allowed to interface with the GPS antenna, and that's
14 important. We don't need two -- You don't need a separate GPS
15 antenna just for NMFS.

16
17 Section 8, Field and Technical Services, that's pretty much the
18 same. The only thing that I took out for cELB was this idea
19 that the vendors have to have 24/7/365 day a year support for
20 NMFS and for the fishers, because our device is not something
21 that has to ping 24/7/365. It's only when on a fishing trip,
22 and so that was overkill.

23
24 Then the general section, and the only thing that I really
25 changed here, which will be important to vendors, is, in the
26 cELB specs, I actually wrote down this durability and
27 reliability section as it applies to the shrimp fleet. We have
28 a different type of boat, and we have steel-hulled vessels, and
29 they stay thirty to sixty days offshore. A vendor needs to
30 understand what he's engineering a device to handle and what
31 type of vessel it's going to be one, to make sure that he
32 produces a successful device for us.

33
34 Then the next five sections are all the same, completely the
35 same, except for I changed it to hardware and software instead
36 of all those acronyms, and it's not the Office of Law
37 Enforcement. It's just NOAA. Litigation support, that's not in
38 the cELB specs, because the cELB specs -- That's all about the
39 vendor having to appear in court and provide expert testimony
40 and not telling essentially the fishermen too much about the
41 device, so that they don't try and game the system, and I have
42 omitted that, because cELB is a scientific data collection
43 program, and it's not one that was designed for law enforcement
44 purposes, where you would be routinely using it in a court of
45 law.

46
47 Then the reimbursement opportunities, and there's not a
48 reimbursement program for cELBs, and so that's omitted too, and

1 that's it. That's the meat of that, and so, Mr. Chairman, if
2 there are no questions, I guess we could go back to Andy and
3 what he was going to propose.

4
5 **CHAIRMAN FRAZER:** I think, if Andy wants to open up the
6 discussion here briefly, we can do that. Otherwise, we can move
7 forward with the report and circle back on this issue at the
8 very end. It's your choice.

9
10 **MS. BOSARGE:** All right. Well, let's go ahead through the
11 report, real quick, then, Mr. Chairman, and we'll circle back.
12 That way, we'll be done with the report.

13
14 **CHAIRMAN FRAZER:** Okay.

15
16 **MS. BOSARGE:** Mr. Strelcheck recommended including satellite,
17 again, as a mechanism to transmit data with Alternatives 2 and
18 3, given that some vessels have to use satellite for other
19 permits that require VMS. At its June 2021 meeting, the council
20 removed satellite-based transmission of data from consideration
21 in this document, as the cost is thought to be prohibitively
22 expensive and not a viable option for the fleet.

23
24 Section 7 Consultation on the Shrimp Industry and Protected
25 Species, Tab D, Numbers 6(a) through (b). Ms. Lee presented on
26 the 2021 biological opinion on Endangered Species Act (ESA) sea
27 turtle conservation regulations and Magnuson-Stevens Fishery
28 Conservation and Management Act federal shrimp fisheries.

29
30 She reviewed the sections in a generic biological opinion. She
31 noted that reinitiation was triggered by multiple items: new
32 listed species under the ESA, new sea turtle bycatch
33 information, and the December 2019 final rule requiring TEDs for
34 a portion of the skimmer trawl fisheries. The proposed action
35 includes authorization of shrimp trawling in the EEZ under both
36 the Gulf and South Atlantic Fishery Management Councils' Shrimp
37 Fishery Management Plans. The biological opinion also includes
38 that status of all listed species. There is no critical habitat
39 to be included for this specific case.

40
41 Ms. Lee noted that the consultation considers, among other
42 effects, the effect that an exemption on sea turtle takes via
43 sea turtle conservation regulations have on listed species. For
44 each listed species likely to be adversely affected, the effects
45 are quantified with estimates of bycatch/capture and mortality
46 in an annual context. The biological opinion concluded that the
47 proposed action is not likely to jeopardize the continued
48 existence of any of the listed species that may be adversely

1 affected.

2
3 Ms. Lee reviewed the anticipated total take over a five-year
4 period of multiple sea turtle species. She noted that fishing
5 effort and observer data must be collected in order to produce
6 take estimates over five-year periods. Conservation
7 recommendations included gear/sea turtle investigations and
8 monitoring/data improvements.

9
10 Mr. Schieble asked what the most recent sea turtle stock
11 assessment showed in terms of long-term population trends. Ms.
12 Lee stated that information on the most recent stock assessment
13 can be reviewed in the Status of the Species section and that
14 the long-term trends were different for each species. She noted
15 green sea turtles as an example of a species with an increasing
16 trend that was accounted for in the take estimates.

17
18 Dr. Frazer inquired about the uncertainty in the estimates and,
19 in particular, if and how effort data contributed to the
20 uncertainty. Ms. Lee stated that the Babcock et al. 2018
21 publication reviews uncertainty in the data and the estimates,
22 and she concurred that uncertainty in fishing effort contributes
23 to uncertainty. Other Business, no other business was brought
24 up by the committee. Mr. Chair, this concludes my report.

25
26 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Before I open it up
27 for discussion, I'm just going to propose a potential path
28 forward, and I will let Leann and council staff and Mr.
29 Strelcheck weigh-in here. It's clear to me that we need to make
30 some progress in here. There's differing opinions about how to
31 proceed, particularly with regard to the technical
32 specifications and as they relate to the VMS equipment.

33
34 I agree that we're not likely to make much progress today in
35 this room with regard to the pros and cons of the various
36 specifications, but we do need to move this forward, in many
37 ways, because we have vendors out there who will be dependent on
38 these data, these technical specifications, in order to provide
39 a product that is going to be acceptable to the industry and the
40 agency.

41
42 This is my proposal, that we -- That the council actually
43 facilitate a smaller group meeting that is comprised of Ms.
44 Bosarge as the Chair of the Shrimp Committee, and Mr. Strelcheck
45 can organize appropriate individuals from within the agency,
46 including a representative from OLE, and Dr. Simmons can
47 identify the appropriate staff from the council office, in order
48 to kind of hash this out a bit and come back with a more

1 workable plan moving forward, so that the council can actually
2 have probably an easier discussion in its October meeting,
3 because, again, we're slated to see this framework action back
4 in October. Mr. Gill.

5
6 **MR. GILL:** Mr. Chairman, I would think you're sneaking a look at
7 my motion, if I didn't know better, but we haven't talked about
8 this, and so I'm in accord, but, first, I would like to thank
9 Leann for all the work she did on that technical comparison.
10 From my standpoint, it's a good reference document to actually
11 delineate the differences, which I don't fully understand. Some
12 of them I do and some of them I don't, but I share the Chair's
13 approach and think that what we've got here is basically a
14 science data issue, and there's no difference, in terms of,
15 okay, here's what we need to provide, but it's how we provide
16 it.

17
18 That's the fundamental problem that we're dealing with, and,
19 from my perspective, from what I've seen in the short time I've
20 been on the council, we're passing in the night, and the
21 solution is sitting down and getting these resolved, because, at
22 the end of the day, whatever we come up with has to work for
23 both the agency and the industry, or it's not going to work at
24 all.

25
26 We all want it to work, and so, Bernie, if you would bring up my
27 shrimp motion, which is very much what you had described, and
28 it's a little scary, I must say, Mr. Chairman.

29
30 I would proffer a motion to do precisely what you're talking
31 about, and the intent of this what I call a small working group
32 is to resolve these differences and come up with an agreed-upon
33 plan amongst the parties that they can bring back to the council
34 and so we can move this framework forward, and so my shrimp
35 motion, Bernie, if you could put that up.

36
37 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Gill. We've got a -- It
38 looks like Bernie has got it up on the board here, and we'll
39 make sure that we read it into the record. Mr. Gill, it's your
40 motion, and I will let you read it.

41
42 **MR. GILL:** To form a small working group of knowledgeable and
43 involved individuals selected with agreement by the Science
44 Center Director, Council Executive Director, and Council and
45 Shrimp Committee Chairs to develop an agreed-upon structure and
46 direction for the shrimp data collection framework amendment.
47 This document shall be reviewed by the Shrimp AP prior to
48 consideration by the council.

1
2 **CHAIRMAN FRAZER:** Okay. Is there a second to that motion? It's
3 seconded by Ms. Guyas. Is there any further discussion of the
4 motion? Ms. Levy.

5
6 **MS. MARA LEVY:** I guess I just have a question about what type
7 of knowledgeable and involved individuals you are talking about.
8 Meaning, are you talking about -- I assume you're not just
9 talking about a staff working group, and so are we talking about
10 industry being involved? I am trying to think about the
11 process, right, because, really, the council has the authority
12 to establish advisory panels, no matter what we call them, and
13 they operate out in the open, right, with public meetings and
14 notices, and so, if you're going to be involving a wide-ranging
15 group of people, then I just wanted to make clear that the
16 process has to be the same public process that happens with any
17 other meeting, if we're talking outside of staff level.

18
19 **CHAIRMAN FRAZER:** Understood. I think that any meeting, moving
20 forward, will be appropriately noticed. I am going to go first
21 to Ms. Boggs and then to Mr. Banks.

22
23 **MS. BOGGS:** Thank you, Mr. Chair, for recognizing me this
24 morning. I get the intent of this motion, and I heard what Dr.
25 Frazer said, and so, Bob, you're saying the Science Center
26 Director, and it seems to me more like NMFS would need to be
27 involved and not the Science Center, but that's semantics, I
28 guess.

29
30 My question really is we passed the motion, at the last council
31 meeting, to expand sampling of the fleet for effort monitoring,
32 and how will this play into that, because it seems like it all
33 needs to work together.

34
35 **CHAIRMAN FRAZER:** Patrick, I'm going to go to you next. I think
36 I'm going to let Dr. Simmons weigh-in briefly on this one.

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. That is an
39 excellent question, Ms. Boggs, and I was going to talk about it
40 at the end of the council meeting, but this is perfect. We have
41 received some proposals for that effort, but we've also received
42 some feedback from vendors that are struggling with exactly what
43 Ms. Bosarge was going through, which is the tech specs.

44
45 I think it's important that we work that out with P-Sea
46 WindPlot, and perhaps the agency, and put that that in the call
47 for proposals, and extend that deadline for that. That being
48 said, perhaps we should wait until we have this working group to

1 even further deliberate and come up with tech specs that will
2 not only meet P-Sea WindPlot, but perhaps different avenues that
3 the industry may want to pursue and consider as well, and so I
4 will leave that up for discussion, but we are kind of in a
5 holding pattern until we figure some of that out, and we are
6 going to readvertise with that information.

7
8 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Simmons. Mr. Banks.

9
10 **MR. BANKS:** Well, I have a couple of questions. One, how is
11 this working group any different than what our committee is
12 supposed to do, the Shrimp Committee? It seems like we have a
13 working group to work these things out, and it's called the
14 Shrimp Committee. It seems like we should do that in a
15 committee format.

16
17 In terms of the tech specs, why wouldn't we just put those in
18 the document as an appendix, and, that way, they're out there
19 for the public to review, and they're in the document for us to
20 review, and we don't have to have Leann go through the whole
21 specs during the meeting, and they're already in the document
22 for us to review, and is that possible?

23
24 **CHAIRMAN FRAZER:** I think it's a complicated answer to that,
25 Patrick, but I'm going to go to Ms. Boggs and then Mr.
26 Strelcheck, and we'll come back, and I'm not trying to avoid
27 your question, and I think we may have some input, particularly
28 from Andy, on this one.

29
30 **MS. BOGGS:** Well, to Mr. Banks' point, I mean, we do have the
31 Shrimp Committee, and we have a Data Collection Committee, and
32 so, I mean, I think the players, or part of them, are in place,
33 and we don't have to readvertise or go find new people, because
34 it's going to be the same people anyway. Thanks.

35
36 **CHAIRMAN FRAZER:** Mr. Strelcheck.

37
38 **MR. STRELCHECK:** I wanted to address Patrick's comment, and so I
39 guess I'm interpreting this as it would involve people more
40 broadly than just what are sitting around these tables. We also
41 spend about an hour, or an hour-and-a-half, during a council
42 meeting, typically, to discuss shrimp, and this would allow for
43 a much more expanded conversation.

44
45 The other concern that I have is we are going down a path where
46 the council is dictating to the agency, potentially, technical
47 specifications, and you've never done that, right? We establish
48 the technical specifications. What I would rather we focus the

1 conversation on is what do we want to accomplish here, and how
2 can we create that path forward, and so that's my hope with a
3 group like this, is that we can hash that out, so that we're not
4 debating around this table the path forward and that the path
5 forward is very clear, in terms of how we accomplish that.

6
7 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. Mr. Banks.

8
9 **MR. BANKS:** Andy, I appreciate that, but I am not looking at it
10 as dictating to the agency what the tech specs are. What is
11 helpful to me is to understand the differences between the tech
12 specs, so that I can fully evaluate the different alternatives,
13 and that's why I felt like it would be helpful to have that in
14 the document to see, so that I understand better what the
15 differences between the alternatives is, and it's not to
16 necessarily dictate to you guys what the tech specs are, but to
17 help me understand what we're talking about, in terms of tech
18 specs for the different alternatives. Thank you.

19
20 **CHAIRMAN FRAZER:** Mr. Diaz.

21
22 **MR. DIAZ:** Andy, I don't think the council should dictate to
23 NMFS the tech specs, but I don't mind this discussion taking
24 place, because it looks like the tech specs are heavy on the law
25 enforcement need, and this is a data collection program. I
26 mean, it's almost getting to where people that are not guilty of
27 any crimes are being surveilled twenty-four hours a day, 365
28 days a year, and I just don't know that that's appropriate for a
29 data collection program, and so that's one of the things I'm
30 struggling with, and I'm trying to figure out the best way for
31 us to have those discussions and see what's appropriate for the
32 task at-hand. It's certainly not to force NMFS to dictate the
33 council's tech specs, but it's to take a realistic look at
34 what's needed. Thank you.

35
36 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Diaz. I think there's a
37 number of good comments here, but I think, from my perspective
38 anyway, what I would like to see is some dialogue that takes
39 place. As Andy pointed out, probably a more expanded dialogue,
40 but that conversation needs to be boiled down, synthesized, and
41 brought back to the council in a way that allows this body to be
42 able to make some decisions that best suit the needs not only of
43 the fishery itself, or the people that are involved in the
44 fishery and the people that are involved in managing the
45 fishery, and, at this point, simply just adding all the
46 specifications to a document.

47
48 I don't think that gets us quite where we need to go. I think

1 that we need to have, again, some synthesis of what the problem
2 really is and what it is that we're trying to achieve, so that
3 we can have an informed discussion about what the merits of the
4 various alternatives might be in the framework, and so my
5 suggestion is that we in fact do move forward with a working
6 group and charge that working group with coming back to the
7 council or contributing in a way that's going to make this a
8 much more productive discussion in our October meeting. Is
9 there any other discussion on this? Ms. Boggs.

10
11 **MS. BOGGS:** Again, I don't have a problem with this, but I'm
12 still not sure how the Science Center Director is going to help
13 with directing this conversation, when we're dealing with tech
14 specs and the reporting aspect of it. If somebody could help me
15 understand that, I would appreciate it.

16
17 **CHAIRMAN FRAZER:** Mr. Gill.

18
19 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Susan, and the
20 reason for that is, at the basis of the problem, it's a science
21 data collection problem, and so getting that data to the Science
22 Center is what we're trying to accomplish here, and in what form
23 and how it's delivered and all that, that's part and parcel, so
24 that, at the end of the day, they're getting what is needed
25 provided by the industry, under whatever reasons that is. They
26 need to be part of that conversation. In fact, my view is they
27 need to be part of that conversation as a science problem, more
28 so than SERO at this point.

29
30 SERO is injected because of this VMS OLE thing, but the basis of
31 this is a science problem, and so let's have that discussion at
32 the science level, with industry and others, to ensure that
33 we're having a proper approach to getting to the endpoint that
34 we're trying to get to. Thank you.

35
36 **CHAIRMAN FRAZER:** Ms. Bosarge.

37
38 **MS. BOSARGE:** Yes, sir, and so, if you'll give me just a second
39 here, I want to try and give you that thirty-thousand-foot view
40 that you're looking for. There is two alternatives,
41 essentially, in the document, other than status quo.

42
43 The first one is a VMS requirement, because I think that NMFS'
44 initial thinking was that VMS collects location data, and that's
45 all we need, and we can just use the approved vendor list we
46 have and put a VMS requirement on the shrimp fleet, and we'll
47 get our data in the way that we're used to getting it, in the
48 sense that they're not used to writing tech specs and having to

1 type approve vendors and then find a server in-house that the
2 data comes into their server at the Science Center, where they
3 have to worry about security and all the other issues that go
4 along with that.

5
6 What they're used to is there's a device on the boat, and the
7 data goes somewhere, and then we get it, once it's good and
8 clean, and we've got our data to use, and we don't really mess
9 with the rest of the logistics involved in it, and we just get
10 our data, and I can relate to that.

11
12 That is why I came up with this Alternative 3 and why I have
13 done the work that I have done thus far. I tried to -- I am
14 trying to develop a program that is what the Science Center is
15 used to. I wrote tech specs to the best of my ability, with all
16 the legalese in it that I hoped that NMFS would want, because I
17 took it straight from the other specs, but I made it fit a
18 shrimp scientific data collection program, and so now,
19 hopefully, NMFS, with a little bit of tweaking, can use those,
20 and they can publish them.

21
22 They don't have to type approve vendors, because NMFS has a
23 contractor that does that already. OLE doesn't do that.
24 They've got an outside third-party contractor that does it.
25 They already have billing set up for these people, and let those
26 people type approve it, just as if it was a NOAA OLE type specs.

27
28 Then the third piece of that is how do they get the data without
29 it having to come to a NMFS server, and I've been working on
30 that too, and it's possible that -- Gulf States is handling the
31 shrimp data right now, and they could handle it in an automatic
32 transmission format and then send it off to the Science Center,
33 once it was good and clean with no viruses.

34
35 Now, we're not going to get into that today, but that's the
36 point of Alternative 3, to get them a program that they're used
37 to, but that I feel confident that will work for my fleet, that
38 I feel has scientific validation processes to make sure that the
39 device will get us the data we need reliably and get us good
40 data that is safe for NMFS, because it has a mechanism to run
41 through possibly Gulf States, where they don't have to worry
42 about security and warehousing and all that stuff, and it's good
43 for the industry, because we're not treated like criminals.

44
45 We're not pushed under NOAA OLE, and so I think that's in the
46 document. Unfortunately, the IPT has not had the document that
47 they needed to actually flesh that out and the discussion that
48 they needed at the council table to detail that process and what

1 that Alternative 3 means.

2
3 I think that it's extremely important to at least put the cELB
4 draft specs, technical specifications, type approval specs, in
5 the document as an appendix, and that is the same thing that we
6 did in the SEFHIER amendment, when we went through this idea
7 that the council should not dictate all of the different
8 elements that would be required for the industry to actually
9 report, and the industry had a little bit of issue with that,
10 because they didn't want the Science Center going overboard with
11 economic-type data, and so what did we do?

12
13 We had a list of questions that we around this council table had
14 kind of come to some consensus on, and we put that in the
15 document as an appendix, as a template, essentially, moving
16 forward for the AP, and I think that's the same thing that needs
17 to be done here. Otherwise, the IPT will never be able to flesh
18 out Alternative 3, and my industry will be left with Alternative
19 2 or status quo, to where we mail in an SD card.

20
21 I am a little worried that, if you put those two alternatives in
22 front of my industry, they're going to balk at you and say
23 forget it, and we'll mail you the cards. That's where I'm at.

24
25 **CHAIRMAN FRAZER:** I am going to take two other quick comments,
26 Ms. Levy and then Mr. Gill. Mr. Gill.

27
28 **MR. GILL:** Thank you, Mr. Chairman. The other comment I would
29 like to make is this is not an all-or-nothing motion. If folks
30 think it can be improved in some way, or modified, then modify
31 it, or make a substitute, but it doesn't have to be pure up and
32 down.

33
34 **CHAIRMAN FRAZER:** I appreciate that comment as well. Dr.
35 Simmons.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I guess a
38 question for Andy. It's clear that the VMS requirements, the
39 electronic monitoring requirements -- That the industry wants to
40 be perhaps exempted from some of these, and that's one of the
41 things, I guess, this group is going to work on, but this is a
42 national requirement, correct? This is a Headquarters
43 requirement, and so I guess my question would be should we write
44 a letter expressing our concerns regarding these requirements
45 for the shrimp industry and that we're having these meetings to
46 try to work through this process?

47
48 I guess I would ask you, and is it possible that they could

1 reach some exemptions for some of these, or is that something
2 that is outside of our control? I just wanted not to do all of
3 this and perhaps we can't get to an endpoint that we all agree
4 upon, based on these requirements from the National
5 Headquarters. Thanks.

6
7 **MR. STRELCHECK:** Thanks, Carrie, for the question. I would
8 certainly leave it up to the council to decide if we want to
9 write a letter or not, and I certainly can deliver that message,
10 and have been delivering the message, with regard to concerns by
11 the industry with regard to the tech specs as they're written
12 now.

13
14 My hope is that there are some exemptions and things that we
15 could make for either shrimp or more broadly for kind of the
16 programs like this that are data-collection oriented, unless
17 they're law-enforcement oriented, and that's why it's been
18 important and why I have appreciated Leann so much, in terms of
19 bringing to light some of the differences with regard to the
20 specifications from the industry.

21
22 As far as the letter, I don't know if it really helps matters or
23 not, and it's certainly just kind of an added piece of
24 information for the agency leadership to consider, but I will
25 certainly be bringing that, obviously, the concerns of the
26 council, to leadership after this meeting.

27
28 **CHAIRMAN FRAZER:** Okay. So, again, with regard to this motion,
29 I just would -- I recognize that this is a very deliberative
30 body, but it's also one that values participation broadly, and
31 sometimes the process is a long one, and I think the intent of
32 this motion is actually to seek the input and the participation
33 that we need to move forward in an effective way, and so I think
34 I will limit the discussion, and we'll vote on this motion.

35
36 I think there's enough direction in here to get the right input
37 from both the agency and the council and the council staff, but,
38 if anybody would like to expand it, we could certainly do that,
39 but I think it's pretty clear what we're looking at right here.
40 **Is there any opposition to the motion? Not seeing any, the**
41 **motion carries.** Okay. Is there any other business related to
42 the Shrimp Committee that needs to come before the council?

43
44 **MS. BOSARGE:** Mr. Chairman, I just want to make one comment on
45 the fleshing out, or the filling, of that working group, and so
46 I think it's going to be imperative that you have somebody like
47 James Primrose, who is a Science Center employee, or someone
48 with his knowledge and expertise on that working group.

1
2 He has actually handled the shrimp data, and he understands the
3 format that it comes in, how many bytes, like computer code
4 bytes, are there for each data element, and he understands all
5 of that. I think we have to have that level of expertise if
6 we're going to start getting down to the real meat and potatoes
7 of some of this.

8
9 Then I also think that you need to have equal representation
10 between government employees, which are agency and Science
11 Center, and council/industry type representation, and you can
12 call me industry if you want, and you can call me council if you
13 want, and I think that your chairman of your AP, your Shrimp AP,
14 who is a former council member, would be an excellent person to
15 be on there as well, and so I'm just throwing that out there.
16 Balance is going to be important.

17
18 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. As the Shrimp
19 Committee Chair, you certainly will have a voice in the process.
20 Okay. Again, I am not seeing any other business related to
21 shrimp to come before the council. Let's take a ten-minute
22 break.

23
24 (Whereupon, a brief recess was taken.)
25

26 **CHAIRMAN FRAZER:** All right. It looks like we've got everybody
27 back to the table, and we will go ahead with the Mackerel
28 Report, and I understand that Mr. Anson is going to deliver the
29 committee report.

30
31 **MACKEREL COMMITTEE REPORT**
32

33 **MR. ANSON:** Yes, sir, Mr. Chair. Thank you. The Mackerel
34 Committee met on August 23, and Robin Riechers was the Chair.
35 The committee adopted the agenda, Tab C, Number 1, and approved
36 the minutes, Tab C, Number 2, of the June 2021 meeting as
37 written.

38
39 Review of Coastal Migratory Pelagics (CMP) Landings Update, Tab
40 C, Number 4, Ms. Kelli O'Donnell from the NMFS Southeast
41 Regional Office (SERO) reviewed the recent landings for the Gulf
42 migratory groups of cobia, king mackerel, and Spanish mackerel.
43 Landings provided for 2021 are preliminary.

44
45 Gulf Zone cobia commercial landings have remained consistent,
46 although preliminary data suggest a slight decrease in 2021.
47 Florida East Coast (FLEC) Zone cobia commercial landings were
48 lower in 2020 and 2021 when compared to the 2019 fishing year

1 and average of the most recent three years of 2018 through 2020.

2
3 Gulf king mackerel commercial landings for the 2020/2021 fishing
4 year are lower than the previous year, which could be due to the
5 early closure of the Southern Zone hook-and-line fishery on
6 February 22, 2021. The zone was reopened on April 4, 2021, and
7 reclosed on April 9, 2021. Comments from commercial fishermen
8 suggest that this could be a result of limitations associated
9 with bad weather at the time the fishery was reopened.

10
11 Spanish mackerel commercial landings were lower for the
12 2020/2021 fishing year. It is unclear if this decrease is
13 related to changes in fishing practices as a result of COVID-19
14 or a change in the abundance of fish in the water. A committee
15 member commented that the changes in Gulf king mackerel landings
16 could also be related to COVID-19, as some fishermen have
17 mentioned having to adapt to the available market.

18
19 Public Hearing Draft Amendment 32: Modifications to the Gulf of
20 Mexico Migratory Group Cobia Catch Limits, Possession Limits,
21 Size Limits, and Framework Procedure, Tab C, Number 5, council
22 staff presented a public hearing draft for CMP Amendment 32,
23 which would modify Gulf group cobia catch limits, zone
24 apportionment, sector allocations, management measures related
25 to possession and minimum size limits, and would modify the Gulf
26 and South Atlantic responsibilities in the management of CMP
27 resources via framework action. Presently, both the Gulf and
28 South Atlantic Councils concur on the preferred alternatives for
29 each of the seven actions.

30
31 A council member asked about the possibility to include an
32 alternative in Action 3 to remove sector allocations in the FLEC
33 Zone. The South Atlantic Council liaison responded that their
34 council wants to retain historical management practices and that
35 the majority of their managed species have sector allocations.

36
37 Since this is a joint plan amendment, the South Atlantic Council
38 would have to concur on incorporating this alternative into the
39 document and additional actions would be needed to address
40 accountability measures that would be associated with managing
41 the FLEC Zone as a single stock. The committee also expressed
42 concerns regarding how this may impact the implementation of
43 this amendment, as ending overfishing of Gulf group cobia is a
44 priority.

45
46 Next, council staff brought to the committee's attention that
47 Chapter 3 of this draft includes a discussion on NMFS intent to
48 correct language in 50 C.F.R. Section 622.386(c) that limits

1 from whom a federally-permitted dealer can purchase cobia.

2
3 There is no federal permit required to sell cobia harvested from
4 the Exclusive Economic Zone (EEZ). However, the regulations at
5 50 C.F.R. 622.386(b) and (c) restrict the sale and purchase of
6 CMP species by vessels and dealers issued federal permits.
7 Because there is no federal permit required to sell Gulf Group
8 cobia, these restrictions are internally inconsistent with
9 respect to that species. Section 622.386(b) requires that Gulf
10 group cobia harvested on any vessel that has a valid federal
11 vessel permit, commercial or for-hire, for any federal fishery
12 be sold to a seafood dealer who has a valid federal Gulf and
13 South Atlantic dealer permit.

14
15 However, under Section 622.386(c), the same federally-permitted
16 seafood dealer may only purchase Gulf group cobia from a vessel
17 that has been issued a federal CMP permit, commercial or for-
18 hire. Thus, although vessel operators with any federal vessel
19 permit must sell Gulf group cobia to a federally-permitted
20 seafood dealer, that same seafood dealer can only legally buy
21 those fish from someone on the vessel with a federal CMP permit

22
23 NMFS intends to correct the regulations at 50 C.F.R. Section
24 622.386(c) to make the restriction on purchase by federally-
25 permitted dealers applicable only to king and Spanish mackerel,
26 rather than CMP generally. This will allow federally-permitted
27 dealers to accept cobia harvested from the EEZ from any vessel,
28 regardless of permit status.

29
30 The committee raised some concerns regarding the modifications
31 to the regulatory language in 50 CFR 622.386, in that it may
32 have some unintended consequences. Based on the intent of this
33 amendment to end overfishing of cobia, the committee asked if
34 the proposed change might increase fishing effort by the
35 recreational sector and allow them to sell cobia.

36
37 The proposed change does not remove any restrictions put in
38 place in the CMP FMP, but rather corrects an inconsistency in
39 the regulations that occurred when NMFS implemented the Gulf and
40 South Atlantic Councils' generic amendment that modified the
41 federal dealer reporting requirements. The CMP FMP and current
42 federal regulations do not require any permit to sell Gulf group
43 cobia. The Gulf and South Atlantic Councils considered
44 requiring a federal permit to sell cobia in CMP Amendment 20A,
45 but did not proceed with that action.

46
47 However, sales may be restricted by the state water the cobia is
48 sold. Currently, all five Gulf states restrict the sale of

1 cobia to properly permitted individuals, commercial vessels.
2 Thus, in effect, the sale of cobia by private recreational
3 anglers is not permitted in the Gulf.

4
5 **The committee recommends, and I so move, to take Amendment 32:**
6 **Modifications to the Gulf of Mexico Migratory Group Cobia Catch**
7 **Limits, Possession Limits, Size Limits, and Framework Procedure**
8 **out for public hearing.**

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. We have a committee
11 motion on the board. Is there any further discussion of the
12 motion? Ms. Boggs.

13
14 **MS. BOGGS:** I am going to support this motion, and I know
15 there's been a lot of discussion that the thirty-six-inch fork
16 length has not been in effect long enough to really see how it
17 affects the cobia fishery, and I am interested in the comments,
18 because I had received a lot of comments from fishermen in our
19 area, and other areas as well, that really would like to see a
20 three-year closure on this species, to let it rebound and come
21 back as a healthy stock. Thank you.

22
23 **CHAIRMAN FRAZER:** Thank you, Ms. Boggs. I am not sure, at this
24 point, that we're really in a position, with regard to this
25 particular amendment, to consider a closure, but your comments
26 are certainly noted. Mr. Diaz.

27
28 **MR. DIAZ:** Ms. Boggs, I appreciate your input. I guess I just
29 want to make this comment, that I would have a hard time voting
30 for a closure of almost any species, and my fear would be, if we
31 close it, if we could ever open it back up. In some of the
32 other species that we have closed, we lose that data stream to
33 give us data to manage the fishery, and I would be in favor of
34 just stricter regulations, if we ever got to the point where we
35 had to do that, but not shut the fishery down, and so I almost
36 can't imagine a circumstance where I would vote for closing a
37 fishery down.

38
39 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Is there any further
40 discussion of the motion? **Is there any opposition to the**
41 **motion? Seeing none, the motion carries.** Mr. Anson.

42
43 **MR. ANSON:** The committee discussed the list of potential
44 locations to hold public hearings throughout the Gulf. Council
45 staff expressed concern with the limited amount of time between
46 the South Atlantic Fishery Management Council September meeting
47 and the Gulf Council's October meeting to allow for eight in-
48 person public hearings to take place. The committee requested

1 to see public participation on previous CMP public hearings
2 during Full Council.

3
4 Council staff reviewed participation in public hearings over the
5 past ten years. The most recent cobia action, Framework
6 Amendment 7, did not have a standalone public hearing.
7 Attendance at public hearings for other CMP amendments has been
8 low, as is reflected on the table below, and there is a table
9 for 2016 and Mackerel Amendment 26 and yellowtail commercial
10 gear and 2016 CMP Amendment 29 and allocation sharing and AMS
11 for Gulf king mackerel.

12
13 The current list of potential locations by state is as follows:
14 Florida: Ft. Myers/Naples, Tampa Bay, Destin; Alabama: Orange
15 Beach, and it's suggest that it's concurrent with the October
16 council meeting; Mississippi: Biloxi/Gulfport; Louisiana: New
17 Orleans/Kenner or Baton Rouge, depending upon COVID-19
18 restrictions; Texas: the Corpus Christi/Port Aransas area and
19 Galveston.

20
21 Public hearings, virtual or in-person, would take place after
22 the South Atlantic Fishery Management Council concurs with the
23 approval of the public hearing draft.

24
25 **CHAIRMAN FRAZER:** Ms. Boggs.

26
27 **MS. BOGGS:** I'm sorry, but is staff looking for direction? I
28 thought that we discussed this in committee, or is this list of
29 locations that they kind of just determined where we should have
30 the meetings? Do they need direction from the council?

31
32 **CHAIRMAN FRAZER:** I think this is the list that's going to guide
33 the decisions that are made by the staff, and I think what came
34 from the committee -- My recollection is that we would certainly
35 afford some flexibility to the staff in making those decisions.

36
37 **MR. ANSON:** Clarification on Gulf King Mackerel Commercial
38 Historic Landings Data, Tab C, Number 6, Dr. Jim Nance, the SSC
39 Chair, reviewed an analysis on the historical king mackerel
40 landings data, modeled in SEDAR 38, against the MRIP-FES data
41 applied to the same modeling framework.

42
43 Supplanting the MRIP-CHTS recreational catch and effort data
44 with the same from MRIP-FES would have resulted in an ABC of
45 14.56 million pounds for the 2015/2016 fishing season, or an
46 increase of 59 percent over the 9.17-million-pound ABC projected
47 under MRIP-CHTS. This increase is almost wholly attributable to
48 the use of MRIP-FES data.

1
2 As other model factors are added, for example additional years
3 of data through the 2017/2018 fishing year and updating of
4 shrimp bycatch with the 2020 estimate, the difference in the
5 projected ABC between the SEDAR 38 and SEDAR 38 update models
6 decreases.

7
8 Insofar as this analysis relates to the council's request of the
9 Southeast Fisheries Science Center, this means that, had MRIP-
10 FES data been available for use in the original SEDAR 38, the
11 commercial sector for Gulf king mackerel would have had access
12 to a larger sector ACL of 4.66 million pounds than was set using
13 MRIP-CHTS data, or 2.93 million pounds.

14
15 Dr. Nance also briefly reviewed an investigation into a
16 commercial landings data discrepancy discussed by the council at
17 its June 2021 meeting and by the SSC at its August 2021 meeting.
18 The Southeast Fisheries Science Center's investigation
19 determined that the commercial landings data used in SEDAR 38
20 and the SEDAR 38 update are virtually identical.

21
22 Further, the discrepancy was attributable to differences in how
23 the data were reported between tables in the stock assessment
24 reports. The Southeast Fisheries Science Center is working on
25 standardized reporting procedures, which are expected to prevent
26 these discrepancies and add clarity to stock assessment reports
27 in the future.

28
29 Draft Amendment 33: Modifications to the Gulf of Mexico
30 Migratory Group King Mackerel Catch Limits and Sector
31 Allocations, Tab C, Number 7, due to time constraints, this
32 agenda item will be discussed during Full Council or a future
33 meeting. Mr. Chair, this concludes my report.

34
35 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Anson. My preference,
36 actually, is to certainly put the discussion of Amendment 33 on
37 the agenda for the October meeting, and so I think, unless there
38 is a preference to do otherwise, that's what we will do, but I
39 will open up the floor for discussion, as it relates to any
40 items that are related to mackerel and this committee. All
41 right. Mr. Strelcheck.

42
43 **MR. STRELCHECK:** Not to your point, and I do want to comment on
44 a statement in the minutes, or the summary, if it's appropriate.

45
46 **CHAIRMAN FRAZER:** Go ahead, Andy.

47
48 **MR. STRELCHECK:** Clay, you may want to weigh-in here, and so, in

1 the I guess second-to-last paragraph, under clarification on
2 Gulf Council commercial landings data, it says, "Insofar as the
3 analysis relates to the council's request for the Science
4 Center, this means the commercial sector would have had access
5 to a larger sector ACL than was set using MRIP-CHTS."
6

7 Yes, based on that analysis, that is correct, but what I think
8 is missing from that conversation, and I keep hearing this
9 reiterated from the commercial sector, is there was no
10 consideration or knowledge, at that time, to look at an
11 alternative allocation that could have been in place, and so
12 this is presuming that the allocation was remaining unchanged
13 based on that analysis, and so I just wanted to clarify.
14

15 **CHAIRMAN FRAZER:** Dr. Porch, to that point?
16

17 **DR. PORCH:** Thank you, and I was actually going to make the same
18 intervention. That's assuming that the percent allocation
19 between the recreational fishery and the commercial would not
20 have changed. Of course, I don't know if the council had seen,
21 in numbers that gave a higher catch level to the recreational
22 fishery, if it would use the same years, and I don't know if
23 they would have actually given the recreational fishery a higher
24 percentage of the total, although, any way you look at it, since
25 the recreational fishery did not meet their quota, they probably
26 wouldn't have met it if they got a higher percentage, and so it
27 does mean that there still would have been a perception of a
28 higher number of fish being left on the table.
29

30 **CHAIRMAN FRAZER:** Understood, and, again, I think that's why I
31 prefer to move this discussion of Amendment 33 to the next
32 council meeting, and I think that will be a fairly involved
33 discussion. Is there any further discussion of items that are
34 related to mackerel? Ms. Bosarge.
35

36 **MS. BOSARGE:** Thank you, Mr. Chairman. I was just going to ask
37 that, when we do take this up at the next council meeting, the
38 actual Science Center report that I think Clay and Andy were
39 just referring to, the analysis that they did that showed the
40 historical OFLs and ABCs, and it's only like five or six pages,
41 and could that go in our briefing book? To me, that's very
42 helpful, to illustrate the numbers that we may be throwing
43 around the table and talking about.
44

45 Then the other request I was going to make is that, at our -- I
46 do still have some hesitation about the correction that NMFS is
47 going to make to the regulations regarding licenses to buy and
48 sell Gulf group cobia, and so I was wondering if we could get a

1 very brief presentation from the agency on the ability to
2 harvest and sell Gulf group cobia without a federal commercial
3 license or permit, just to give us the history on how that came
4 about and why it came about.

5
6 I understand they're going to correct some inconsistencies, but
7 it may be the will of this council that they don't like the fact
8 that you can harvest and sell catch without a commercial
9 license, but, before I would make a motion to go changing
10 something like that, I would really just like a general
11 presentation on how it came to be and why it was there, and I
12 may realize that, well, that actually functions well, and I
13 don't know. Can we get a presentation like that, please, sir?

14
15 **CHAIRMAN FRAZER:** Dr. Simmons.

16
17 **EXECUTIVE DIRECTOR SIMMONS:** I had a little trouble
18 understanding, Leann, some of the things you were saying. I
19 think it's clear that we can put, as background, the king
20 mackerel analysis that was provided to the SSC by the Science
21 Center, and we can certainly add that as background.

22
23 Then I think you were asking for more information on the
24 recreational catch that is sold to federal permit dealers, and
25 is that what you were asking, I believe, seafood dealers?

26
27 **MS. BOSARGE:** Right, and so, the way I understand it,
28 recreational fishermen, or let's say a fishermen without a
29 commercial license, can harvest Gulf group cobia, and so they
30 can harvest federal cobia, and sell them to -- Well, once they
31 change this, they can essentially sell them to anybody, a
32 licensed dealer or not, or they could go straight to a
33 restaurant and sell them, if they wanted to, and that's legal.
34 There is no issues with that.

35
36 I would like to know the history on how the council decided that
37 was an appropriate path forward, so that we can deliberate and
38 decide if we still think that's appropriate or not.

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

41
42 **MR. RYAN RINDONE:** Thank you, Mr. Chair. Ms. Bosarge, we can
43 look into that. We'll have to work with the Southeast Regional
44 Office to pull up some of the economic information, and we'll
45 also have to review a little bit of what was discussed for
46 Amendment 20A. There was some discussion about what to do with
47 cobia back then and the council's perception of how that was
48 going to be handled, and so we can put something together.

1
2 **MS. BOSARGE:** Thank you, sir.
3

4 **CHAIRMAN FRAZER:** Okay. Is there any further discussion or
5 information that needs to be brought before the committee as it
6 relates to mackerel? I am not seeing any, and so thank you, Mr.
7 Anson, for the report. We will go ahead and move to the next
8 committee report, which will be Habitat Protection and
9 Restoration and Mr. Banks.

10
11 **HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT**
12

13 **MR. BANKS:** Thank you, Mr. Chairman, and I appreciate Mr.
14 Schieble filling in for me as the chair of this committee. For
15 the Habitat Protection and Restoration Committee Report, held on
16 August 25, 2021, the committee adopted the agenda as written and
17 approved the minutes of the June 2021 meeting as written.
18

19 We got a presentation from BOEM on renewable wind energy, and
20 Mr. Mike Celata, Regional Director at the Bureau of Ocean Energy
21 Management, presented some initial investigations for renewable
22 wind energy projects in the Gulf of Mexico. The presentation
23 included an overview of the steps required in the request for
24 interest procedure, typical windfarm layout, and stakeholder
25 engagement milestones. Specific to stakeholder engagement, he
26 highlighted towing effort data provided by the Southern Shrimp
27 Alliance for consideration when selecting sites for windfarms.
28

29 A committee member inquired if the proposed wind turbines would
30 provide recreational fishing opportunities similar to offshore
31 oil rig platforms. Mr. Celata indicated that was something BOEM
32 could take into consideration and stated that positioning of
33 turbines to allow for vessel navigation is also a high priority.
34

35 Several NOAA staff encouraged their continued cooperation with
36 BOEM and renewable energy development. They agreed that the
37 existing oil and gas operations in the Gulf provided experience
38 for renewable ventures and that recent development of wind
39 energy in the Atlantic Ocean would serve as important lessons as
40 well.
41

42 A committee member echoed the support of continued collaboration
43 and provided some addition comments. She focused on the
44 importance of planning for future removal of a turbine, should
45 it no longer produce energy or be deemed not economically
46 viable. She also encouraged the development of a fund that
47 would reimburse fishermen, should fishing gear be damaged or
48 lost as a result of entanglement with a platform. She indicated

1 that established mitigation for these issues exist for the oil
2 and gas and industry and urged BOEM to institute similar
3 procedures for renewable energy sources.

4
5 Draft: Generic Essential Fish Habitat Amendment, Dr. Jim Nance
6 provided the SSC's recommendation for the methodologies proposed
7 in the Generic Amendment for EFH. The SSC encouraged more
8 computational methods for identifying and describing EFH.
9 However, the SSC agreed that extensive consideration should be
10 taken to ensure data inputs are spatially comprehensive and
11 complete as possible.

12
13 The SSC suggested using a hierarchical approach, based on
14 available data by species and life stage, be used to inform the
15 selection of preferred alternatives. Dr. Lisa Hollensead stated
16 that council staff agreed with the SSC recommendation for
17 selection of data inputs and intends to include a detailed
18 rationale for selecting these inputs in the document.

19
20 Additionally, she indicated that, while this technical portion
21 was being completed, the interdisciplinary planning team, or the
22 IPT, could also begin work on developing other chapters of the
23 document. Given the substantial workload for the IPT at this
24 time, Dr. Hollensead asked if the committee would be amenable to
25 seeing the next revision of the document at the January 2022
26 council meeting. The Committee indicated that timeline would be
27 satisfactory and suggested council staff provide some concrete
28 examples of methods used by other regional councils for
29 describing EFH at its next meeting. Mr. Chair, this concludes
30 my report.

31
32 **CHAIRMAN FRAZER:** Thank you, Mr. Banks. Is there any other
33 discussion items related to the Habitat Protection and
34 Restoration Committee? I am not seeing any. We do have one.
35 Go ahead, Patrick.

36
37 **MR. BANKS:** In response to, or in relation to, the last
38 statement of the report, about trying to create examples, I want
39 to reiterate that, I think during that request, it was not just
40 examples of other methods used, but I think it was examples of
41 comparisons between methods used, if I remember correctly, and
42 so I'm sorry that I didn't notice that in the report, and I
43 didn't mention that to Dr. Hollensead before I read it, and I
44 apologize.

45
46 **CHAIRMAN FRAZER:** I understand what you're saying there as well,
47 but I had an opportunity to listen in to the last SSC meeting,
48 and I thought that Dr. Hollensead actually provided a really

1 nice presentation, and it was commented on by a number of the
2 SSC members, and so I think, as long as we've had that
3 conversation moving forward, that she'll be prepared to provide
4 a presentation that will be suitable for everybody. All right.
5 Any other discussion? I am not seeing any. Thank you, again,
6 Mr. Banks. We're going to move right ahead to the Data
7 Collection Report and Mr. Anson.

8
9 **DATA COLLECTION COMMITTEE REPORT**

10
11 **MR. ANSON:** Thank you. Yes, the Data Collection Committee met
12 on August 25. The committee adopted the agenda, Tab F, Number
13 1, as written and approved the minutes, Tab F, Number 2, of the
14 June 2021 meeting as written.

15
16 Update on Southeast For-hire Electronic Reporting (SEFHIER)
17 Program, Tab F, Number 4, Dr. Michelle Masi provided an update
18 on the progress of the SEFHIER Program. Phase I of the program
19 was implemented in January 2021, and, as of August 1st,
20 approximately 1,700 Gulf and South Atlantic for-hire permit
21 accounts have been created.

22
23 In-person outreach efforts, which may help to improve account
24 totals, has been hindered by the ongoing pandemic. In addition,
25 the agency believes as many as 20 to 30 percent of all permits
26 are latent. She addressed some common questions regarding the
27 trip declaration requirement, provided a list of next steps for
28 program participants, and presented weblinks to program
29 materials.

30
31 A committee member was curious as to why several captains had
32 not yet registered for program reporting accounts. Southeast
33 Regional Office (SERO) staff indicated that there were
34 potentially many reasons, including the limited ability to
35 conduct in-person outreach, a large number of latent permits,
36 and general participant discomfort with the program.

37
38 A committee member inquired why the reporting software required
39 a time returned input before completing the report, when the
40 policy only stipulated a requirement for an estimated time of
41 return. SERO staff indicated that the reporting software VESL
42 combines the requirements for SEFHIER and the Southeast Region
43 Headboat Survey, which requires that the actual return time be
44 within an hour of the estimated time of arrival. Mr. Andy
45 Strelcheck stated that NOAA intends to continue to work with the
46 industry to improve the program and that feedback on the
47 feasibility of reporting was encouraged.

1 A committee member asked if the vessel monitoring system (VMS)
2 required in Phase II of the program needs to be installed by a
3 SEFHIER-certified electrician, and SERO staff indicated that the
4 install only required a marine electrician certification.

5
6 Draft Options for Electronic Reporting Due to Equipment Failure,
7 Tab F, Numbers 5(a) and 5(b), Ms. Carly Somerset provided an
8 overview of a framework action that would allow for an exemption
9 in location-positioning reporting for both the recreational and
10 commercial sector, should a VMS unit experience an unforeseen
11 failure. Ms. Somerset indicated that expanded alternatives had
12 been proposed since the last meeting, and these would limit the
13 annual number and frequency of exception requests.

14
15 In the commercial fishery, satellite VMS units rarely exhibit
16 failure events, and it is anticipated that the satellite units
17 approved for the SEFHIER program would behave similarly.
18 However, cellular-based VMS units, also approved for SEFHIER,
19 have not been observed, and the performance of those units is
20 not as well known. A committee member indicated that a few
21 commercial fishermen had reported trouble with VMS units in open
22 console vessels where hardware is subjected to inclement weather
23 conditions.

24
25 A committee member asked how a captain could send electronic
26 trip reports if the VMS was not functioning. SERO staff
27 indicated that electronic trip reports could be reported in
28 other ways independent of the VMS. SERO staff also stated that
29 they require VMS vendors to provide a twenty-four-hour-a-day,
30 seven-day-a-week customer service provider to field failure
31 reports. Additionally, SERO is working to create a frequently
32 asked questions section on their webpage to help captains
33 troubleshoot equipment issues.

34
35 A committee member indicated that the document was directed
36 towards catastrophic failure events, but still did not address
37 the overarching issues expressed by captains. The main concern
38 of charter captains is that they may incur lost revenue, should
39 they not be able to leave the dock due to a VMS malfunction,
40 especially one that may be minor.

41
42 Additionally, the committee member expressed concern that the
43 document was becoming too detailed and incorporated restrictions
44 for reporting unforeseen failures. SERO staff indicated that
45 they were amenable to creating an online form that a captain
46 could complete to report a VMS issue, but that some restrictions
47 on these exceptions would be required, to avoid creating any
48 potential loopholes in reporting.

1
2 A committee member asked if law enforcement had ever removed a
3 permit for non-compliance. Given the novelty of the SEFHIER
4 program, the goal of NOAA Law Enforcement would be to increase
5 compliance through education, rather than issuing penalties. As
6 the program becomes more established, law enforcement does have
7 the authority to issue warnings, dispense monetary and civil
8 penalties, or confiscate permits, depending upon the magnitude
9 of the offense. Mr. Chair, this concludes my report.

10
11 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Ms. Boggs.

12
13 **MS. BOGGS:** I would like to make a request that this come back
14 at our October meeting. I had stated in committee that I would
15 like some time to think about maybe some motions to help define
16 these failures, and so I would like to see this come back, and I
17 think it probably would in October, because this is something
18 that we need to try to move along for these captains. Thank
19 you.

20
21 **CHAIRMAN FRAZER:** Dr. Simmons.

22
23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. That is our
24 plan. Recall I think that Dr. Hollensead told folks that we
25 were going to have that Data Collection AP meeting as well in
26 September, and so we'll be bringing back any recommendations
27 they have as well on the document.

28
29 **CHAIRMAN FRAZER:** Thank you, Dr. Simmons. Any other items of
30 business that are related to Data Collection? Okay. I am not
31 seeing any, and we are going to move forward to the Reef Fish
32 Committee Report.

33
34 **REEF FISH COMMITTEE REPORT**

35
36 **MS. GUYAS:** All right. Thank you, Mr. Chair. The committee
37 adopted the agenda, with the addition of the SEDAR 74 stock ID
38 process to Other Business, and the minutes from the June 2021
39 meeting were approved as written.

40
41 Review of Reef Fish Landings and Review of Reef Fish ACL
42 Figures, Ms. Kelli O'Donnell reviewed Gulf reef fish landings so
43 far in 2021. Red grouper recreational landings for Waves 1 and
44 2 are greater than the average for the last three years. Gray
45 triggerfish commercial landings are below the average for the
46 last three years, and the commercial sector did not have a quota
47 closure in 2019 or 2020.

1 Greater amberjack, gray snapper, lane snapper, vermilion
2 snapper, and yellowtail snapper commercial landings follow a
3 similar pattern as gray triggerfish. Ms. O'Donnell stated that
4 additional recreational landings would be available at the
5 October 2021 council meeting.

6
7 Mr. Andy Strelcheck noted that quota closures are expected for
8 recreational red grouper and gray triggerfish, pending
9 verification of recreational catch and effort data from Wave 3
10 from the Marine Recreational Information Program. A committee
11 member asked for a presentation at a future council meeting by
12 the Southeast Fisheries Science Center detailing the data
13 imputation methods used to account for gaps in sample coverage
14 during 2020, due to COVID-19.

15
16 Another committee member asked whether the five Gulf states had
17 resumed in-person dockside angler intercepts, to which the state
18 directors replied that they had all resumed normal operations.

19
20 Draft Framework Action: Modification of Gulf of Mexico Red
21 Grouper Catch Limits, Dr. Jim Nance reviewed the SSC's
22 discussion of the Southeast Fisheries Science Center's
23 presentation of red grouper interim analysis in August 2021.

24
25 Dr. Nance explained that the Southeast Fisheries Science Center
26 has begun exploring discrepancies between modeled weight
27 estimates and those reported in the SERO annual catch limit
28 monitoring dataset in the recreational landings.

29
30 The stock assessment model has underestimated red grouper mean
31 weight landed by the recreational sector. The Southeast
32 Fisheries Science Center employed a mean weight scalar to
33 produce assessment-adjusted weights. With the weight
34 adjustment, the overfishing limit would increase from 4.66
35 million pounds gutted weight to 5.99 million pounds gutted
36 weight. The SSC recommended the new mean weight estimation
37 methodology to estimate the weight of recreationally-caught red
38 grouper.

39
40 The Southeast Fisheries Science Center found it to be
41 advantageous to inform new projections for red grouper through
42 an index-based harvest control, rather than the forecasted index
43 generated based on SEDAR 61. The Southeast Fisheries Science
44 Center proposed the NMFS bottom longline survey as the index of
45 abundance, noting that the index estimates had been spatially
46 adjusted in 2020, due to reduced sampling effort, due to COVID-
47 19. The approach of using an index-based harvest control rule
48 considers a buffer in observed and reference index value using a

1 three or five-year moving average.

2
3 The SSC recognized that an average using more years of data
4 provides more stability in catch advice, but that a shorter
5 temporal focus would allow for a more real-time approach to
6 management. Given the annual red grouper IA report from the
7 Southeast Fisheries Science Center, using a shorter series could
8 more accurately address management objectives for red grouper.
9 The SSC recommended an OFL of 5.99 million pounds gutted weight
10 and an acceptable biological catch of 4.96 million pounds gutted
11 weight.

12
13 Ms. Bosarge asked how in-depth the presentation and discussion
14 the SSC had regarding the new mean weight estimation
15 methodology. Dr. Nance replied that the modeled weight
16 estimates were underestimated, and so the SSC found that
17 multiplication by a scalar would correct for that. Ms. Bosarge
18 commented that it was possible MRIP has been overestimating
19 weight, rather than the modeled weight estimates being
20 underestimated. Dr. Porch stated that this approach
21 accommodates the fact that, as the population grows, the average
22 weight should increase. If fixed weights are used, population
23 growth is not considered.

24
25 Dr. Freeman presented draft purpose and need statements,
26 followed by a draft action to modify the OFL, ABC, ACLs, and
27 annual catch targets for red grouper. He commented that all of
28 the values from Alternative 2 would be an increase from
29 Alternative 1 of 700,000 pounds gutted weight.

30
31 Ms. Bosarge asked about the timeline for implementation of
32 Amendment 53 and this framework action. Mr. Strelcheck stated
33 that Amendment 53 would need to be in place for sector
34 allocations before implementation of the draft framework action.
35 He noted that the holdback provision requires, by June 1,
36 release of any excess quota that had been held back. He
37 commented that quota release would be anticipated by late spring
38 or early summer 2022.

39
40 Ms. Guyas asked if it was possible for Amendment 53 and the
41 draft framework action to be implemented together. Ms. Levy
42 stated that, prior to January 1, 2022, the agency would be
43 required to hold back quota needed for implementation of
44 Amendment 53, even if both documents are implemented relatively
45 close to one another in 2022.

46
47 Ms. Guyas noted the standing request for an updated IA every
48 January and asked how an updated IA in January 2022 would be

1 incorporated into management with Amendment 53 and the draft
2 framework action. Dr. Simmons stated that an updated IA could
3 be considered a health check by the SSC.

4
5 Dr. Porch recognized that fishermen have commented on red
6 grouper stocks increasing, but he also noted the uncertainty of
7 the impacts from the 2021 red tide event and that the NMFS
8 bottom longline survey would be completed this fall and should
9 provide information on the impacts of the recent red tide event.

10
11 Mr. Diaz stated that, for catch advice, the council should rely
12 on the SSC's recommendation. Mr. Gill replied that it was
13 premature to select a preferred, given that there is no analysis
14 in the draft framework action.

15
16 **The committee recommends, and I so move, in Action 1, to make**
17 **Alternative 2 the preferred. Alternative 2: Modify the red**
18 **grouper OFL, ABC, ACLs, and ACTs based on the recommendation of**
19 **the Scientific and Statistical Committee, as determined from the**
20 **2021 red grouper stock analyses provided by the Southeast**
21 **Fisheries Science Center and using the sector allocations as**
22 **well as the ACL and ACT buffers for red grouper set forth in**
23 **Reef Fish Amendment 53. Mr. Chair.**

24
25 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have a committee
26 motion on the board. Ms. Bosarge.

27
28 **MS. BOSARGE:** Yes, sir, and I don't have any comments to this
29 particular motion, but just, at the end of the red grouper
30 section, if I could make a quick comment, please.

31
32 **CHAIRMAN FRAZER:** Okay. Any comments specific to this motion?
33 **Not seeing any, is there any opposition to the motion? One**
34 **opposed, and the motion carries. Ms. Guyas.**

35
36 **MS. GUYAS:** Mr. Anson inquired about the IA being used as a
37 health check rather than a management tool. He stated that it
38 would be helpful to have additional conversation on how to use
39 an IA. Dr. Simmons noted that a draft IA schedule was reviewed
40 by the SSC during its August meeting, and that staffs from the
41 council and SERO should continue to work on a schedule for
42 requesting, and potential automation of catch advice from, the
43 IAs in the future. Mr. Strelcheck agreed that an automated
44 process would be ideal for implementing catch advice from the
45 IAs.

46
47 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Guyas. Ms. Bosarge.

1 **MS. BOSARGE:** Yes, sir. Two things. The first thing I was
2 wondering is the Science Center analysis that we received at
3 this meeting, or the SSC received at their last meeting for king
4 mackerel, and I believe we have one upcoming for amberjack,
5 where you look at what the historical OFLs and ABCs would have
6 been, and can we get an analysis like that, at some point in the
7 future, on red grouper? I didn't know how long it takes the
8 Science Center to do that sort of thing.

9
10 **CHAIRMAN FRAZER:** Dr. Porch, would you like to speak to that?

11
12 **DR. PORCH:** Can you rephrase that, because I'm having a little
13 trouble picking up exactly what she's asking.

14
15 **MS. BOSARGE:** Okay, and so the analysis that the Science Center
16 did for king mackerel, where you looked at what the historical
17 OFLs and ABCs would have been, and you kind of had like a Model
18 1, Model 2, Model 3, Model 4, and you presented that to the SSC,
19 so that we could see backwards in time, not only what the FES
20 catch levels, harvest levels, were, but what, generally
21 speaking, a ballpark estimate of the OFLs and ABCs would have
22 been, so we get the full picture, and is it possible to do an
23 analysis like that for red grouper as well?

24
25 **DR. PORCH:** In the sense of what was done for king mackerel, it
26 is. The original request that we got was basically asking to
27 repeat stock assessments way back in time, which that we can't
28 achieve, but, if you did something exactly analogous to king
29 mackerel, yes, that could be done.

30
31 **MS. BOSARGE:** Okay. Mr. Chairman, would you like a motion to
32 that, or is that --

33
34 **CHAIRMAN FRAZER:** Mr. Rindone would like to weigh-in here.

35
36 **MR. RINDONE:** Thank you, Mr. Chair. Dr. Porch, would that be
37 affected at all by the change in the model from the SEDAR 42 to
38 SEDAR 61, with the correction that was made that ultimately
39 revised the virgin biomass, because I know that that scaled down
40 considerably from 42 to 61.

41
42 **DR. PORCH:** Probably what we would have to do is probably look
43 at the most recent model and then substitute in the CHTS
44 estimates, and so, in principle, it can be done. It would take
45 some time to do that, but, yes, I wouldn't recommend going and
46 looking at the previous assessment, where we found that problem
47 with the estimate of what the very early historical catches
48 were. I wouldn't recommend going back and using that, but we

1 can negotiate exactly the technical terms of doing that sort of
2 analysis with council staff.

3
4 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge, I'm going to circle back
5 to you.

6
7 **MS. BOSARGE:** Yes, sir. I will make a motion then.

8
9 **CHAIRMAN FRAZER:** Okay.

10
11 **MS. BOSARGE:** To request that the Science Center complete a red
12 grouper analysis similar to the analysis done for king mackerel,
13 which will show estimates of what the historical OFLs and ABCs
14 would have been with FES landings. I will ask Dr. Porch if
15 that's clear enough, but yet gives him enough leeway to make any
16 adjustments he may need to make.

17
18 **CHAIRMAN FRAZER:** Go ahead, Clay, if you want to weigh-in real
19 quick.

20
21 **DR. PORCH:** I think that is not so specific that we can't
22 discuss the best way to accomplish it, and so, yes, I think
23 that's fine.

24
25 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is
26 there a second to this motion? It's seconded by Mr. Gill. Is
27 there any further discussion of the motion? Not seeing any, I
28 just would like to make a quick comment. In principle, I
29 understand the intent of the motion. One of the things I have
30 observed recently is that we often ask for things of either the
31 Science Center or the agency, and we need that type of
32 information, but we often do it without considering the full
33 workload and things that are on their plate, and so we often
34 have to decide what is going to be a priority and what's not.

35
36 My understanding of this motion really is there's some latitude
37 that is afforded to the Science Center in the timing of honoring
38 the request, and we don't want it to sit on the back burner
39 forever, but we certainly have some high-priority items that
40 need to be addressed in the very short term. Okay. Is there
41 any other discussion? **Not seeing any, is there any opposition**
42 **to the motion? Seeing none, the motion carries.** Ms. Guyas.

43
44 **MS. BOSARGE:** I have one more thing, Mr. Chairman, and I'm
45 sorry, on red grouper.

46
47 **CHAIRMAN FRAZER:** Okay. Go ahead.

1 **MS. BOSARGE:** I wondered -- I think we have an upcoming
2 assessment on red grouper, and it seems like the SSC maybe even
3 went through a scope of work, and I was wondering if we could
4 just quickly get an update on that, when it's supposed to start,
5 when it concludes, and when we expect results.

6
7 **CHAIRMAN FRAZER:** Okay. I will ask either Dr. Simmons or Mr.
8 Rindone.

9
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge, we're pulling up the
11 schedule, and, yes, you are correct. The SSC did review a scope
12 of work for a red grouper operational assessment, and I think we
13 asked for three topical working groups, two in-person and one
14 virtual. One was on red tide, one for the recreational weight
15 estimate, and I believe one for the Florida State Survey, but I
16 think it starts -- When is it, again?

17
18 **MR. RINDONE:** Right now, on the SEDAR schedule, we have a red
19 grouper operational assessment penned in for 2024, using data
20 through 2022, and we expect that operational assessment to take
21 through at least the third quarter of 2024, which means the
22 council wouldn't have it in front of them for taking action on
23 any management advice until 2025.

24
25 **MS. BOSARGE:** All right, and I think you've answered my next
26 question. You said that there is a working group to evaluate
27 the Florida State Survey, and so that was going to be my
28 question. If that's the path that it seems to be taking for red
29 snapper, where we're going to start looking at some of the state
30 data collection programs, then I think that we probably need to
31 look at it as we proceed with each species, with the
32 understanding that possibly to incorporate some of that data,
33 and it might not be able to happen in an operational assessment,
34 and I understand that, but I'm glad to see that we're at least
35 going to look at some of it, and that's all I wanted to know.
36 Thank you.

37
38 **CHAIRMAN FRAZER:** Mr. Rindone, did you want follow-up, quickly?

39
40 **MR. RINDONE:** Yes, and thank you, Mr. Chair. Yes, Ms. Bosarge.
41 We have recommended three topical working groups, one to look at
42 red tide, one to look at changes in the recreational mean weight
43 estimation procedure, and then one to look at recreational catch
44 and effort data.

45
46 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone. Okay. Ms. Guyas.

47
48 **MS. GUYAS:** All right. Presentation on Greater Amberjack

1 Calibrated Landings and Catch Limits, and Proposed Management
2 Alternatives, this item will be reviewed at a subsequent Reef
3 Fish Committee meeting.

4
5 Discussion of Implementation of the DESCEND Act of 2020, Mr.
6 Peter Hood reviewed the rules for practices and equipment
7 required for reducing the post-release mortality rate of fish
8 through the implementation of the DESCEND Act of 2020.

9
10 The implementation of regulations and definitions of the terms
11 in the DESCEND Act are based on feedback provided by the Gulf
12 Council's policy document on venting and descending devices, and
13 additional feedback will be collected before final rulemaking to
14 implement the measures detailed in the DESCEND Act in January
15 2022. The DESCEND Act will sunset in January 2026.

16
17 A committee member asked about how the National Fish and
18 Wildlife Foundation funding will be made available to help
19 fishermen get access to the requisite venting and descending
20 devices and how outreach for the DESCEND Act would be
21 facilitated.

22
23 Mr. Dave Donaldson that the Return 'Em Right program is designed
24 to facilitate both the distribution of venting and descending
25 devices, and the outreach and education associated with the new
26 regulations in the DESCEND Act. Council staff added that
27 targeted outreach will be sent to for-hire operators to educate
28 them on the requirements of the DESCEND Act, including the tools
29 they will need to comply, in September 2021. The same outreach
30 will be sent to private recreational anglers by September 2022.

31
32 A committee member asked how the regulations would apply to
33 spear fishers. NOAA General Counsel replied that the DESCEND
34 Act does not distinguish between types of fishing gear used by
35 anglers and said that all vessels fishing for reef fish in the
36 Gulf of Mexico will be required to possess aboard the requisite
37 venting and descending equipment. A committee member noted that
38 a report on research projects on descending devices funded
39 through RESTORE would be informative to the council in the
40 future.

41
42 The committee also heard from Dr. Greg Stunz on a component
43 study of the Great Red Snapper Count project, which examined
44 release mortality. The results of this component of the GRSC
45 will be shared with the SSC and the council at a later date.

46
47 Updates to the 2021 Red Snapper State Management Programs, Mr.
48 Robin Riechers, with the Texas Parks and Wildlife Department,

1 reported on the private angling components fishing for red
2 snapper in Texas. The state-water season for private
3 recreational anglers and state-water guides started on January
4 1, followed by the opening of federal waters off Texas on June 1
5 through August 4. At present, Texas anglers have landed 30,730
6 fish, equivalent to approximately 226,000 pounds, or 81.5
7 percent of the Texas ACL.

8
9 Mr. Chris Schieble, with the Louisiana Department of Wildlife
10 and Fisheries, detailed the differences in the data collected
11 between 2020 and 2021 by LA Creel, with intercepts in 2021
12 thought to be somewhat lower than in 2020, due to COVID-19
13 precautions by anglers.

14
15 Generally, fishing effort was observed to be higher in 2020 than
16 in 2021. The 2021 private angling season off Louisiana began on
17 May 28 and runs on weekends only (Friday, Saturday, and Sunday,
18 including the Mondays of Memorial Day and Labor Day). Landings
19 to-date are approximately 556,000 pounds, or about 66.8 percent
20 of the Louisiana ACL, and the Louisiana season is expected to
21 close after Labor Day, to examine the remaining proportion of
22 the Louisiana ACL.

23
24 A committee member asked about the accounting of unpermitted
25 anglers, to which Mr. Schieble replied that compliance rates are
26 adjusted as unpermitted anglers are intercepted. Another
27 committee member asked about the reporting requirements for
28 anglers under LA Creel, to which Mr. Schieble replied that
29 compliance was not mandatory.

30
31 General Joe Spraggins, from the Mississippi Department of Marine
32 Resources, reported on the private angling fishing season for
33 Mississippi, which initially opened on May 28 for seven days a
34 week, before closing on July 5, 2021. The season was re-opened
35 on August 5, 2021, and closed on August 8, 2021. Again, the
36 season was re-opened August 13, 2021, for seven days a week, and
37 to-date, the season has been open for fifty-four days.

38
39 Reporting through Tails 'N Scales is mandatory, with greater
40 than 95 percent compliance observed by law enforcement. To
41 date, Mississippi has landed approximately 110,000 pounds, or
42 approximately 80.6 percent of its ACL. A committee member noted
43 that the largest recorded effort during the 2021 season was 256
44 vessels per day.

45
46 Mr. Kevin Anson, from the Alabama Department of Conservation and
47 Natural Resources, reported on the private angling fishing
48 season for Alabama, which opened on May 28 for four-day weekends

1 only (Fridays through Mondays).

2
3 Landings are updated weekly on the department's website.
4 Alabama's Snapper Check is mandatory for red snapper, and now
5 also for gray triggerfish and greater amberjack. Thus far, in
6 2021, Alabama private anglers have landed approximately 845,000
7 pounds, or about 75 percent of the Alabama ACL. Landings, thus
8 far, lag behind the pace of landings observed in 2019 and 2020.
9 Mr. Anson briefly reviewed the methods by which landings are
10 recorded and validated.

11
12 Ms. Martha Guyas, from the Florida Fish and Wildlife
13 Conservation Commission, reported on the private angling fishing
14 season for Florida, which opened on June 4 and closed on July
15 28, for a fifty-five-day season. Preliminarily, for June,
16 Florida estimates its private anglers harvested just under 1.2
17 million pounds.

18
19 In the last two years, Florida has used a season duration
20 projection model to estimate its total landings, based on the
21 rate of landings data collected thus far, and expects to be
22 under its state ACL, once landings are finalized. If enough of
23 the ACL remains, Florida will examine reopening the fishing
24 season for private anglers in the fall.

25
26 A committee member asked about observations of lower catch
27 rates, combined with reports from some anglers of difficulty in
28 finding red snapper. Ms. Guyas replied that bad weather days
29 were reported and that landings per day typically do trail off
30 as the season progresses. Mr. Anson reported seeing similar
31 trends in Alabama.

32
33 Another committee member asked whether reporting was mandatory
34 in Florida, to which Ms. Guyas replied that it was not. She
35 added that Florida's dockside intercepts are combined with a
36 mail survey to estimate landings and effort, respectively.

37
38 Discussion of Final Document - Framework Action: Gulf of Mexico
39 Red Snapper Recreational Data Calibration and Recreational Catch
40 Limits, in its review of the framework action as using the best
41 scientific information available, the Southeast Fisheries
42 Science Center provided three comments for edits to be made to
43 the document.

44
45 Staff quickly addressed the first and third comments. However,
46 the second comment referred to the implementation date
47 established in Preferred Alternative 2 of Action 1, stating that
48 not implementing Preferred Alternative 2 until January 1, 2023,

1 would continue to allow catch overages for the private angling
2 component of the recreational sector.

3
4 The Southeast Fisheries Science Center recommended revising the
5 implementation date for Preferred Alternative 2 to January 1,
6 2022. Because this edit is outside the scope of the council's
7 stated intent during discussions about its selection of a
8 preferred alternative, the interdisciplinary planning team could
9 not address the edit without additional input from the council.

10
11 Currently, with an implementation date of January 1, 2023, the
12 Southeast Fisheries Science Center and NMFS have determined that
13 Preferred Alternative 2 is inconsistent with the requirements of
14 the Magnuson-Stevens Fishery Conservation and Management Act.

15
16 A committee member asked to clarify the SSC's position regarding
17 the calibration ratios detailed in Preferred Alternative 2 of
18 Action 1. The committee member proffered that although the SSC
19 found the calibration ratios to be appropriate for the purpose
20 of monitoring the catch limits, that to say the calibration
21 ratios were recommended by the SSC is not accurate. To better
22 reflect the record as established during the August 2020 SSC
23 meeting, staff detailed changes to the language in two places in
24 the document. The committee found these changes to be
25 acceptable.

26
27 Council staff identified the portions of the memo detailing the
28 issue of the implementation date in Preferred Alternative 2 of
29 Action 1. Mr. Strelcheck asked that more rationale be added to
30 the document about why the council selected the January 1, 2023,
31 implementation date. He stated that NMFS recommends changing
32 the implementation date to January 1, 2022, or to as soon as
33 practical, to ensure that the framework action is consistent
34 with the requirements of the Magnuson-Stevens Act.

35
36 A committee member noted that MRIP has a historically poor
37 record of data collection in small states, including Mississippi
38 and Alabama. He noted that the implementation date of January
39 1, 2023, was proposed to allow additional time for the Gulf
40 states to work with the NOAA Office of Science and Technology to
41 resolve outstanding data issues.

42
43 Another committee member agreed, noting that the data generated
44 by MRIP's Fishing Effort Survey are thought by some to
45 overestimate the harvest of recreational red snapper in the
46 Gulf. Further, the committee member noted that the absolute
47 abundance estimate of red snapper from the Great Red Snapper
48 Count, specifically the cryptic biomass found over the

1 uncharacterized bottom, has been under-surveyed in the federal
2 fishery-independent sampling programs.

3
4 The committee member contended that the calibration ratios do
5 not represent the best scientific information available, because
6 an appropriate review of the data now available has not been
7 conducted. Further review of these new data are expected to
8 result in more accurate calibration ratios.

9
10 The review of the state data collection programs, a commitment
11 made by the NOAA OST, has not yet occurred, and would be
12 expected to be quite useful in resolving differences in the
13 state and federal survey methods. The committee member agreed
14 that the delayed implementation date was intended to allow for
15 progress to be made on these fronts. Changing this
16 implementation date from January 1, 2023, to January 1, 2022,
17 would make seeking resolution on these differences impossible.

18
19 A committee member noted that considerable discussion was had by
20 the committee and the council at its April 2021 meeting, adding
21 that numerous data issues had been identified with the
22 calibration ratios that, as of yet, have not been resolved.
23 Considering this, the committee member contended that the
24 calibration ratios do not constitute the best scientific
25 information available. Specifically, the number of MRIP Access
26 Point Angler Intercept Surveys recorded during an MRIP wave,
27 especially for small states like Mississippi, when combined with
28 FES and extrapolated out across the wave, are resulting in
29 improbable estimates of landings and effort.

30
31 Current estimates of the number of trips taken per day during
32 peak fishing effort for Mississippi exceeded the number of
33 vessels registered to fish offshore in Mississippi, creating an
34 impossible estimation of effort.

35
36 The Southeast Fisheries Science Center replied that no incorrect
37 data are being used, adding that NMFS and NOAA OST are actively
38 working to resolve discrepancies in the state and federal data
39 collection programs.

40
41 The Southeast Fisheries Science Center clarified that the ACLs
42 for the states are set in the MRIP-Coastal Household Telephone
43 Survey data currency. Landings and effort must be monitored in
44 a commensurate currency to facilitate accurate quota monitoring.

45
46 A committee member asked whether the Southeast Fisheries Science
47 Center was confident in its landings and effort estimations for
48 Mississippi as being accurate. The Southeast Fisheries Science

1 Center replied that the determination of the most accurate data
2 is not yet resolved, remarking on the differences in precision
3 and accuracy.

4
5 Mr. Strelcheck interjected, stating that the issue at-hand is
6 the creation of a common data currency for quota monitoring of
7 the combined private angling component ACL across the Gulf
8 states. The committee member replied that the frequency of
9 MRIP-FES data collection is too low, and is not representative
10 of landings and effort, especially for small states. Mr.
11 Strelcheck added that Mississippi's Tails 'N Scales program is
12 consistently reporting lower estimated landings and effort
13 compared to MRIP-FES. Further, he reiterated that the issue is
14 about ensuring the action proposed by the council is consistent
15 with the Magnuson-Stevens Act.

16
17 A committee member stated that the lack of precision in MRIP-FES
18 for small states has never been addressed. He thought that,
19 without a meaningful review of these state data collection
20 programs compared to the federal program, resolution on this
21 front is incomplete.

22
23 Citing the recent National Academy of Sciences study on MRIP,
24 the committee member noted that differences between the surveys
25 should be determined and communicated to the public. Further,
26 the report noted that the presence and influence of outliers in
27 the MRIP-FES survey should be investigated and addressed.

28
29 The committee member continued with several other points of
30 improvement in the MRIP-FES program recommended in the NAS
31 report. Detailing data from Wave 5 from 2018, 2019, and 2020,
32 he demonstrated the degree to which the few data points
33 collected by MRIP-FES for Mississippi were extrapolated.

34
35 In brief, and depending on the year being discussed, he showed
36 that the estimates of daily fishing effort were either
37 improbable or impossible, based on the number of vessels
38 registered to fish offshore in Mississippi versus the number of
39 trips estimated by MRIP-FES.

40
41 The maximum number of trips in a single day ever recorded by
42 Mississippi's Tails 'N Scales is 513 trips, with an observed 95
43 percent compliance rate. The committee member also identified
44 other waves for specific fishing years with questionable
45 estimates of landings and effort. Summarizing, he stated that
46 the MRIP-FES data are too variable to make management decisions
47 and noted that Mississippi has found NOAA OST to be unhelpful
48 and uncooperative in resolving differences between the state and

1 federal data collection programs.

2
3 A committee member recalled the recent Commerce, Justice,
4 Science, and Related Agencies Appropriations Act of 2021, which
5 stated: "Before making any related regulatory changes, NMFS is
6 directed to address the question of which data collection system
7 (i.e., MRIP or the catch data programs administered by the Gulf
8 States) are providing the best estimates of recreational red
9 snapper catch in the Gulf of Mexico."

10
11 Further, the Appropriations Act states that \$2 million will be
12 appropriated for NMFS to contract with a non-governmental entity
13 with expertise in statistics and fisheries-dependent data
14 collection to provide the following: (1)an independent
15 assessment of the accuracy and precision of both the federal and
16 state recreational catch data programs in the Gulf of Mexico;
17 (2)recommended improvements to be made to the federal and state
18 recreational catch data programs in the Gulf of Mexico to
19 improve accuracy and precision; and (3)an independent
20 assessment, based on the results of the two prior items, of how
21 best to calibrate the federal and state recreational catch data
22 programs in the Gulf of Mexico to a common currency. The
23 committee member did not think these directives had yet been
24 satisfied.

25
26 **CHAIRMAN FRAZER:** Ms. Guyas, would you like to take a five-
27 minute break?

28
29 **MS. GUYAS:** I have been reading for a long time, and this
30 section is -- We've got another page-and-a-half, and so, sure, I
31 would love to, if somebody has got their hand up.

32
33 **CHAIRMAN FRAZER:** There you go. I would like you to take a
34 five-minute break, so you can have a drink of water.

35
36 (Whereupon, a brief recess was taken.)

37
38 **CHAIRMAN FRAZER:** All right. We had a little bit of a break,
39 and we're going to see how far we can get, and so, Ms. Guyas, go
40 ahead and continue on.

41
42 **MS. GUYAS:** All right. A committee member agreed with the
43 comments made with respect to the NAS report, noting that a
44 simple ratio calibration was not recommended for use therein.
45 He continued that the data being considered for the SEDAR 74
46 research track assessment of red snapper are expected to
47 demonstrate a much larger stock of red snapper than previously
48 estimated, which would be expected to mitigate any expectation

1 of negative biological effects from the private angling
2 component ACL being exceeded.

3
4 Another committee member stated that the issue before the
5 committee is that, until the new data can be incorporated into a
6 new stock assessment, the calibration ratios are the only data
7 available for use in creating a common data currency.

8
9 Because these data are the only data available at this time,
10 they are, by default, the best scientific information available.
11 In building a record of effects, he added that, if a state was
12 being disadvantaged by the action before the council, then that
13 state should establish that record during discussion.

14
15 The committee discussed the application of National Standard 6
16 and the ability to explore alternative methods of management
17 under circumstances necessitating a more flexible approach. A
18 committee member said that the Gulf states and the council have
19 not been afforded the opportunity to properly evaluate the
20 science available to determine the best approach for creating a
21 common data currency between the state and federal survey
22 programs.

23
24 He added that the negative social and economic effects to the
25 State of Alabama were expected to be significant under Preferred
26 Alternative 2. The committee member thought further exploration
27 into managing to an exploitation rate should be considered for
28 red snapper. A motion to remove the implementation date under
29 Preferred Alternative 2 failed.

30
31 **CHAIRMAN FRAZER:** Mr. Strelcheck.

32
33 **MR. STRELCHECK:** Thanks, Chairman. I wanted to pause here, and
34 I've talked to, obviously, a few folks about this, and I'm ready
35 to make a motion. The report, I think, reflects well our
36 discussion during committee with regard to concerns about data
37 accuracy and reasons at least why people are skeptical about
38 calibrating and the concerns about socioeconomic impacts
39 associated with calibration.

40
41 What still, to me, is lacking is how we address the Science
42 Center's concerns and how we're compliant with Magnuson, and so,
43 obviously, the agency is in a position, right now, where we
44 would be in violation of the Magnuson Act if the landings aren't
45 calibrated and the landings from CHTS exceed the private
46 recreational ACL, and we have a number of lawsuits that we have
47 lost over time with recreational overages, and we have seen,
48 obviously, in recent years, that the CHTS landings are exceeding

1 the catch limit, when not calibrated, and so if staff could
2 bring up my motion.

3
4 **My motion is, in Action 1 of the red snapper calibration**
5 **framework, select Alternative 3 as the preferred, with the**
6 **following modification, in addition to Preferred Alternative 2,**
7 **and so two preferreds would be selected here. Then Alternative**
8 **3 would read: For 2022 only, reduce each of the state-specific**
9 **red snapper private angling component ACLs by 23 percent,**
10 **retaining the allocation percentages established in Amendment**
11 **50A of the Reef Fish FMP. The resulting state-specific ACLs are**
12 **as follows. You can read them, but it's essentially 23 percent**
13 **of each state's current ACL. The 23 percent buffer would be**
14 **applied to any subsequent increase in the state-specific ACLs**
15 **for the recreational private angling component for red snapper.**

16
17 **CHAIRMAN FRAZER:** Okay. Is there a second to the motion? It's
18 seconded by Mr. Gill. Andy, do you want to provide a little
19 more rationale for the motion?

20
21 **MR. STRELCHECK:** Absolutely. To me, this addresses a couple of
22 things. one is it would ensure compliance with the Magnuson
23 Act, because it would adjust the catch limits to a level that
24 would not -- It would result in the private ACL not being
25 exceeded.

26
27 The second thing it would do is that it's equitably reducing
28 everyone, and so I recognize that some states are going to have
29 to give a little bit for the benefit of maybe Alabama and
30 Mississippi, but it also allows the agency to be in a much
31 position to, hand-in-hand, increase both catch limits and
32 associated action through this framework if ACL increases are
33 recommended going forward, through the Great Red Snapper Count,
34 into 2022.

35
36 We already have, on our plate, the modest increase that was
37 approved back in April, and we've been very clear with regard to
38 increases in catch limit going hand-in-hand with calibration.
39 To me, I think this addresses concerns about the socioeconomic
40 impacts. We got a presentation from each of the five states,
41 and, although some states have run up against this buffer
42 already, a lot of the states have not actually met this buffer
43 this year, or would not have met this this year, if the buffer
44 had been in place, and so you're still able to maintain fairly
45 lengthy fishing seasons for red snapper, while complying with
46 the Magnuson Act.

47
48 **CHAIRMAN FRAZER:** Thanks, Andy. Mr. Banks.

1
2 **MR. BANKS:** I can appreciate the position that Andy and the
3 agency is in with this situation, and it's a very difficult one,
4 and I think that we as a council are in a difficult position as
5 well, because of the claims that we're running afoul of
6 Magnuson, but I am going to have to speak against the motion,
7 simply because, from a Louisiana perspective, we're going to be
8 forced to take a haircut that we haven't done anything wrong.

9
10 Our anglers stepped up, a few years ago, and paid the extra
11 money every year on their license to implement LA Creel, so that
12 we know what we're catching, so that we have a very good
13 management system in place. We all worked hard, under state
14 management -- Through the council process to get state
15 management established, and so it's just not a fair situation
16 for Louisiana to have to take this big of a hit in this
17 situation for 2022, and so I'm going to have to speak against
18 this motion. Thank you.

19
20 **CHAIRMAN FRAZER:** Thank you, Mr. Banks. Ms. Guyas.

21
22 **MS. GUYAS:** I agree with Patrick. In Florida, we're in a
23 similar situation. I mean, we've made the investment in our
24 state data collection program, and we've got buy-in from our
25 anglers, and we have been doing our best to manage within our
26 quota, and, the first year of the EFP, we had a pretty minor
27 overage, and we really corrected course, and we've done what we
28 need to do, and I just -- We're going to have a really hard time
29 justifying to our commission that, well, we're just going to
30 take a 23 percent cut, and we did everything we were supposed to
31 do, but this is where we're at, and it is not fair.

32
33 You know, there is a lot of work that needs to be done on these
34 calibrations, and we're lucky, fortunate, I guess, to be in a
35 good place with that, and I definitely feel for Andy, but I am
36 going to speak against this motion as well.

37
38 **CHAIRMAN FRAZER:** Ms. Boggs.

39
40 **MS. BOGGS:** I will support this motion. I think it's a
41 compromise until we can get where we need to on the
42 calibrations. This may not be a question for this council, and
43 I don't know if anyone cares to understand it, but it's hard for
44 me to understand how three states are basically one-for-one on
45 the fish, and you've got two states that are basically a half-a-
46 fish, if you will, when this calibration comes around, and I'm
47 having a hard time understanding why this is so difficult.

1 This may be a side conversation, I realize, but I just wanted to
2 put it out there, that the math doesn't make sense to me, in any
3 way. I'm going to support this, because I think it's a good
4 compromise. There's some we're going to have to give, and some
5 we're going to get, but sometimes that's what you have to do. I
6 mean, we've had to do it in the charter fleet, many, many, many
7 times, but I keep hearing about the Great Red Snapper Count, but
8 the Great Red Snapper Count does not solve the issue of
9 calibration. I am just trying to get a better understanding,
10 but I think this is a good compromise, and I will support it.
11 Thank you.

12

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

14

15 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Andy, for trying
16 to move the needle forward with this approach. I note that
17 everybody takes a haircut, and so it's not one state or another,
18 and it's not a zero-sum game, where some states lose and some
19 states gain. I know we're all in there, but one of the
20 questions that comes to mind is, at least in terms of -- I
21 haven't done the comparison, and so I would ask the question,
22 but, in terms of the projected landings for 2021, on a -- I
23 guess on some kind of equal basis, does this suggest that,
24 relative to that, that we're talking a significantly lower than
25 23 percent number is projected as well? I am having a little
26 bit of difficulty trying to figure out where these new numbers
27 sit, relative to where we are.

28

29 **CHAIRMAN FRAZER:** Bob, I'm just trying to make sure -- I see a
30 lot of people trying to understand the nature of the question.
31 Is what you're asking is where we currently sit with regard to
32 catch levels in each of the states and how this might compare
33 relative to these numbers?

34

35 **MR. GILL:** Yes, correct.

36

37 **CHAIRMAN FRAZER:** I think, in some states, we probably have that
38 information. Louisiana, for example, is fairly up-to-date, and
39 I don't think that those numbers have been provided yet from
40 Florida, and so I don't -- I am not going to speak for any of
41 the states, but I would just think we're probably not quite
42 there yet, to look at each of those numbers, but I will let
43 those state representatives weigh-in. Andy, go ahead. You go
44 first.

45

46 **MR. STRELCHECK:** I will weigh-in, and certainly states can
47 correct me, if I'm understanding Bob's question correctly, and
48 so, in the landings reports that we received from the states,

1 right now, Alabama has 845,000 pounds landed through 2021, and
2 this would give them 865,000, and so just below the buffered
3 quota.

4
5 Louisiana has reported 556,000, versus 628,000, and Florida,
6 according to Martha, 1.2 million of the 1.47, but that's only
7 through June, and so that's a major difference, because they
8 don't have landings for July yet. Texas reported, I believe,
9 216,000, and so they would be in excess of the 204,000 buffered
10 quota, and Mississippi was 110,000, relative to 117,000, and so,
11 to me, this does still continue to provide very lengthy seasons,
12 to reduce some of those socioeconomic impacts.

13
14 I certainly appreciate where Martha and Patrick are coming from,
15 but this gives us the ability then to be consistent with the
16 Magnuson Act. It's for one year, and we can then move on to
17 calibrating the landings, in addition, based on the ACL increase
18 that was approved in April, as well as any subsequent changes to
19 the catch limits that the SSC might adopt through the interim
20 analysis, and those potentially could increase the 2022 catch
21 limits, ultimately, and lessen any sort of impacts on the states
22 from this action.

23
24 **CHAIRMAN FRAZER:** Ms. Guyas.

25
26 **MS. GUYAS:** I guess, to what Andy said, I mean, we're managing
27 to our quota of about 1.9 million pounds, and so, you know, we -
28 - Like I mentioned in committee, that 1.2 million pounds is
29 probably going to change as data is coming in, and we're working
30 on what we have for June, and then, once we get that July data,
31 but it is going to be a cut for Florida. It's going to be at
32 least a 23 percent cut, and probably more than that, because we
33 -- As we're trying to project our season, what it's going to be,
34 we're trying to stay out of the red zone, and so, once again, we
35 need to deal with these calibrations. I get this is a temporary
36 measure, but what happens after 2022, when we're still at an
37 impasse here? I mean, then what? I am just struggling here
38 with this one.

39
40 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. I just want to step
41 back for just a minute and think about the timing of any
42 documentation, moving forward. We have, right now, a framework
43 action that was moved forward and sent back by the Center, and
44 there were questions that were not able to be addressed in that,
45 and so, if this motion was to be passed, is there any other
46 analyses or anything that would need to be done in the document,
47 and how would that affect the timeframe, and what would be the
48 next step in the kind of processing of this document? Mr.

1 Rindone.

2
3 **MR. RINDONE:** Thank you, Mr. Chair. We would have to go back
4 and revise the analyses with respect to Alternatives 2 and 3,
5 since -- Especially Alternative 3, because it would be in place
6 for one year, and then, after that, it would be out of effect,
7 and for Alternative 2 because the state of nature of Alternative
8 3's selected preferred would be different than what we currently
9 have in the document as happening under Alternative 2 for the
10 2022 fishing year. That would affect all of the analyses in
11 Chapter 4, and so we would need a minute to be able to do that.

12
13 **CHAIRMAN FRAZER:** If you had to do that, is there enough time to
14 do those analyses prior to the October meeting?

15
16 **MR. RINDONE:** We could be ready for the October meeting.

17
18 **CHAIRMAN FRAZER:** Ms. Levy.

19
20 **MS. LEVY:** Well, I mean, I think we discussed this in committee,
21 and I don't envision you having to come back to this, meaning
22 Alternative 3 is in there, and there's an analysis of the impact
23 of selecting Alternative 3, and there's an analysis of the
24 impact of selecting Alternative 2.

25
26 Yes, the effects would need to be updated to show that one would
27 be effective for 2022 and one would be effective for 2023 and
28 moving forward, but I think, like we talked about, you could
29 select this and modify it and then vote to resubmit it. I mean,
30 like I said, you could bring it back, but I don't think it's
31 required that you bring it back. All of the analysis is in
32 there, but it's just the years in which it's going to happen
33 would be a change.

34
35 **CHAIRMAN FRAZER:** Okay. Any other comments from the council
36 staff, just to make sure that everybody is on the same page?
37 Mr. Williamson.

38
39 **MR. WILLIAMSON:** I am reflecting back on the conversations that
40 we had yesterday, and I have to agree with Florida and
41 Louisiana, and Texas follows the same, and apparently we're in
42 compliance. However, the statements of Alabama and Mississippi
43 that they have not gotten any cooperation from NOAA regarding
44 the differences in these calculations, and there was no rebuttal
45 from NOAA that, oh yes, we came in and we tried to adjust this,
46 and we tried to fix it, and it's still -- So that, coupled with
47 the National Academy of Sciences presentation and the
48 congressional dicta regarding the \$2 million and don't do

1 anything until you guys come back with a result.

2
3 It puts me in a position where I can't support this, and I just
4 don't think there's been cooperation, and who is causing the
5 states to violate Magnuson? Is it the states, or is it the lack
6 of cooperation from NOAA? That may be an oversimplification,
7 but that's kind of it. I can't support this.

8
9 **CHAIRMAN FRAZER:** Okay. I see Andy has his hand up, but Phil
10 has been on the board for a minute. Mr. Dyskow.

11
12 **MR. DYSKOW:** Thank you, Mr. Chair. I can't support this motion
13 either, because I believe we're attempting temporarily fix this
14 by penalizing the five states, when the real issue here is the
15 calibration that NMFS has not come up with a solution for. If
16 we're not willing to address calibration, then these types of
17 band-aids make no sense, and so I speak against this motion.

18
19 **CHAIRMAN FRAZER:** Mr. Strelcheck and then Mr. Anson.

20
21 **MR. STRELCHECK:** I will comment to Troy's comments as well as
22 Phil's. I think it's very disingenuous to say that NOAA needs
23 to provide a rebuttal. We, in my view, have worked very well
24 with the states, for the last six or seven years, in terms of
25 helping to support development of these state surveys and pilot
26 testing the state surveys and providing funding for these state
27 surveys.

28
29 Yes, there are differences, and we need to work those out, and
30 there is recognition that we have some gaps to fill out, in
31 terms of figuring out and resolving those differences, but it's
32 certainly, to me, not an adversarial relationship, but one we
33 need to continue to work towards some resolution on.

34
35 With the other comments that were made, I think this is the
36 continued challenge with this topic, which is we continue to
37 confuse data accuracy and challenges with data reporting
38 programs with the real issue at-hand, which is, as simple as I
39 can state it, if quotas are set based on federal survey data,
40 the states are monitoring using state survey data, and those are
41 not the same units, and so we need a common currency in order to
42 ensure that we are monitoring the quotas correctly.

43
44 That, to me, is unrelated to the issue of data accuracy. It's
45 simply addressing how the quotas were established, first and
46 foremost, and relying then on the states to monitor, using your
47 own surveys, to the quotas that would then be established.

1 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. Mr. Anson and then
2 Mr. Banks.

3
4 **MR. ANSON:** I was going to comment on a little bit about the
5 history, I guess, and the cooperation that at least Alabama has
6 had with the agency, and, as Andy just stated, they have bene
7 supportive, and we have received monies and funding from them to
8 help get Snapper Check off the ground and worked with their
9 folks up at Science & Technology, the MRIP folks, if you will,
10 to kind of work out some of those programmatic issues, or data
11 collection issues, if you will, early on in the process.

12
13 We were appreciative, and still are appreciative of them, but,
14 here recently, that communication flow has just not been at the
15 same level, and that was some of the comment that I made at the
16 Reef Fish Committee, and that's something that we just had been
17 hoping to do, because this issue of calibration is there, and
18 there are such large discrepancies in the landings, and we just
19 want a better understanding of that, relative to when you look
20 at that data and compare it to other information that we have
21 about the stock and other independent information.

22
23 To kind of further elaborate a little bit on Dale's analysis, or
24 the analysis that was done by the Mississippi Department of
25 Marine Resources staff on the discrepancies and looking at,
26 within year, some of these wave estimates and such.

27
28 I just happened to look at Alabama's wave estimate for red
29 snapper for this year for the private recreational and the
30 charter boats, and, as I understand it, this is in FES currency,
31 the estimates that are on their website, and we're looking at
32 1.5 million pounds being harvested in Alabama of red snapper
33 through the end of June. If that is the case, if it's in FES,
34 as I recall from the FES-CHTS conversion for red snapper, it was
35 roughly about two-times more landings for Alabama FES compared
36 to CHTS, and then CHTS compared to Snapper Check was two-times.

37
38 If we do that math, that 1.5 million takes you down to about
39 350,000 pounds, which is actually less than what Snapper Check
40 estimated for this year, through June, and so, I mean, we've got
41 some issues, and I don't know if that's related to the
42 imputation method this year, COVID, and I have no idea, but now,
43 all of a sudden, Snapper Check, for 2021, is potentially
44 estimating over FES, and so I appreciate the state support, that
45 have commented so far, on not going forward, or voting for this
46 motion, but we will also not be in support of this motion.

47
48 **CHAIRMAN FRAZER:** I'm going to take two more comments, one from

1 Mr. Banks -- Maybe three more. One from Mr. Banks, one from Mr.
2 Diaz, and one from Dr. Stunz.

3
4 **MR. BANKS:** I am not supporting Andy's motion, but I do have to
5 speak in support of the coordination that Andy and his staff at
6 least has had with Louisiana, and so, if other states haven't
7 gotten that kind of coordination, that's unfortunate, and I hope
8 they will address that, but, at least with us, they had numerous
9 meetings with us about calibration, and they have worked with us
10 and the Gulf States Marine Fisheries Commission on calibration,
11 and so it's been -- Their door has always been open to us in
12 Louisiana, and I appreciate that, but it does -- I think Mr.
13 Dyskow made a good point, that some of these calibration
14 calculations for some of the states don't seem to make a lot of
15 sense, and so it would be great to try to revisit that for some
16 of these other states. Thank you.

17
18 **CHAIRMAN FRAZER:** Mr. Diaz.

19
20 **MR. DIAZ:** Thank you, Mr. Chair. I want to get on the record in
21 saying that, currently, for the Mississippi Department of Marine
22 Resources, I am not in the fisheries loop whatsoever, but I did
23 take my time to go speak with the fisheries folks, and this
24 conversation is probably based off of a comment that I made, but
25 I will say that my history, in my prior career with the
26 Department of Marine Resources, working back and forth with
27 NOAA, with Andy and your predecessor, I have never felt like it
28 was adversarial, and I don't want people to think that I think
29 that now, because I do not.

30
31 I do know that the staff at DMR told me that they have been
32 trying to work with the MRIP people, to try to figure out some
33 of these issues, and they have not had good cooperation to try
34 to work out some of these issues that were brought up earlier,
35 and so I do have a question for Mara.

36
37 Tom brought the timing issue earlier, and, the appropriation
38 language that has been discussed, do you want to weigh-in on
39 that? I mean, it seems that the language has been brought up
40 that no actions will be taken on this type of work until certain
41 things are done, and so is that the way you interpreted it, or
42 how do you interpret that?

43
44 **CHAIRMAN FRAZER:** Ms. Levy.

45
46 **MS. LEVY:** I am not really going to weigh-in on that. I mean,
47 the only thing I'm going to say is it's appropriations language,
48 which is not substantive law, right, and so, how those interact,

1 that's really not something that I am prepared to speak on
2 today. I mean, I think that's a question for agency leadership,
3 about how they want to deal with their appropriations language.
4

5 **CHAIRMAN FRAZER:** Mr. Diaz.
6

7 **MR. DIAZ:** I'm certainly not an attorney. I just know that
8 other things have been put in appropriation language, and we've
9 implemented them. I believe, the states that have the authority
10 to fish reef fish out to nine miles, I am pretty sure that came
11 through an appropriation language, unless I'm wrong about that,
12 and so, I mean, I know there has been times when stuff has come
13 through appropriation language, and it's been adhered to.
14

15 **CHAIRMAN FRAZER:** Okay. I'm going to try to limit this
16 discussion. I'm going to let Mara and Andy, real quick, and
17 then I will get to Greg Stunz.
18

19 **MS. LEVY:** I mean, I'm not really going to get into a debate
20 about it. I mean, the nine-mile thing, I'm going to say it's
21 more complicated than what this discussion is going to indicate,
22 and so, I mean, yes, the result was what you said, but, again, I
23 mean, from a legal perspective, appropriations language is a
24 little bit different than a substantive statute, but I can't get
25 into, here, how they interact and how the agency deals with
26 that. It's just going to be too complicated.
27

28 **CHAIRMAN FRAZER:** Andy, did you want to add to that? Okay. Dr.
29 Stunz.
30

31 **DR. STUNZ:** Thank you, Mr. Chairman, and I don't speak in favor
32 of the motion, but I was also going to bring up the point of the
33 congressional appropriations language of Dale, which is further
34 justification of why I don't support it, but I will make a
35 motion later, if necessary.
36

37 Also, we had the National Academy of Sciences report that we
38 still need to wade through that gives us some options here, that
39 I think we need to give full consideration, and so there's a lot
40 of things in play which still lead me to not support this
41 motion.
42

43 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. General Spraggins, I
44 will allow you a brief comment.
45

46 **GENERAL SPRAGGINS:** Just, Andy, I thank you so much for trying
47 to do something, and I understand your viewpoint. I can tell
48 you that, if I thought that this would be something that could

1 possibly make anything come out in the future, then I would be
2 supporting it.

3
4 I cannot see punishing the states that are not being affected
5 with this, and, even though Mississippi would do anything we
6 could to get to a point, we don't feel like that we have been --
7 We feel like we're doing our things correct too, and we're doing
8 this correctly, as it should be done, and, just like Florida and
9 Texas and Louisiana, but I appreciate the efforts.

10
11 I can tell you that I think that, if we could get something
12 together and move forward with this calibration and get it done
13 for the 2022 season, maybe we can start -- We can work on
14 something, and so maybe we push hard to get the calibration
15 issue work before the 2022 season, because we do that in what,
16 April, sir? Is that right, around the April timeframe, when we
17 put the allocation? Is that not correct, or am I wrong? I may
18 be wrong.

19
20 **CHAIRMAN FRAZER:** I'm not sure exactly. I mean, I am not --
21 It's not jumping out at me what timeframe you're actually
22 looking at.

23
24 **GENERAL SPRAGGINS:** Okay. Well, anyway, I'm sorry that I can't
25 support this, but I do appreciate your effort.

26
27 **CHAIRMAN FRAZER:** Okay. We're going to go ahead and vote this
28 up or down, and so all of those in favor -- I'm sorry, Ms.
29 Bosarge. Quickly.

30
31 **MS. BOSARGE:** Sure. No problem. I just wanted to mention one
32 thing, real quickly, because all the discussion has focused on
33 the states and the people that they're managing under this
34 amendment, which would be private anglers, but I just wanted to
35 bring up the fact that not calibrating these numbers at this
36 point -- We're forgetting that those states also have other
37 anglers.

38
39 They have for-hire anglers and commercial anglers in every one
40 of those states, and, by not calibrating, I have already seen
41 the ramifications for commercial and for for-hire that we
42 couldn't even discuss, really, in earnest having a carryover for
43 the commercial sector during COVID, because we had to take into
44 account that we were probably going to get real close to the OFL
45 with the state overages, once you put into place some sort of
46 calibration to get real landings, and we wouldn't consider it,
47 because then the agency would be going over the OFL, and they
48 knew it.

1
2 If you look at the for-hire sector, they asked if they could
3 have, during public testimony, possibly a fall season for red
4 snapper this year, because they haven't met their quota yet, and
5 I bet you, when we get into that conversation, the agency is
6 going to push back on that, because they know that the states --
7 That we're going to be over these calibrated numbers and that
8 we're going to be right up against the OFL, and, if they let the
9 for-hire sector actually catch their allocation, we'll be
10 overfishing again.

11
12 We're holding other sectors back to allow overharvest, because
13 of this lack of calibration on the rec side, and we heard public
14 testimony already, during this meeting, from fishermen, and I
15 have been hearing it for at least three years now, that they're
16 telling me, Leann -- These are professional fishermen, and it's,
17 Leann, we can still catch those snapper, but I am telling you
18 that we're having to fish harder.

19
20 You all are putting a hurting on these fish, and it's slowly,
21 but surely, showing up, and I'm sorry, but we just did this in
22 red snapper, where we said, hey, you know, we've got to have
23 these numbers matching, and we have a stock assessment that came
24 out with these FES, and we've got to have OFLs and ABCs and ACLs
25 that are also in FES, and that led to an allocation discussion,
26 and we did it.

27
28 I am not going to sit here and allow it to not happen in another
29 fishery. I am still pushing on red grouper, to get some more
30 information, and I think that will affect allocation
31 discussions. It's probably not going to change whether we use
32 FES or something else, because those have to match. Those
33 currencies have to match, which is what we're doing here.

34
35 Where your problem lies, in my opinion, with these cuts in your
36 quotas, that's an allocation problem, and the states are going
37 to have to come back and figure out what the appropriate
38 allocation is, and so I'm going to be in favor of the motion. I
39 am tired of overfishing this stock, and we've got to do
40 something about it.

41
42 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Bosarge. We will go
43 ahead and proceed to a vote. We're going to do this by hands in
44 the room, and I will look for hands as well from those that are
45 participating virtually. **All of those in favor of the motion,**
46 **raise your hand.**

47
48 **MS. BOSARGE:** Yes from Leann online.

1
2 **CHAIRMAN FRAZER:** Okay. We have two in the room and one online.
3 All of those opposed in the room. Online, Shipp and Dyskow.
4 The motion fails. Ms. Guyas.

5
6 **MS. GUYAS:** All right. Dr. Cody stated that NOAA has provided
7 \$1.2 million to improve the state survey programs by way of
8 funding the availability of independent consultants. A
9 committee member asked whether any of the funds had been applied
10 to resolve the differences between the surveys. Dr. Cody
11 replied that the funding for the current year had been
12 exhausted. However, the MRIP Transition Team Working Group,
13 including the aforementioned independent consultants, has been
14 formed to assist the states in improvements in their respective
15 programs.

16
17 Another committee member replied that the language in the
18 congressional appropriations directive appears to direct NMFS to
19 determine which of the data collection programs is most accurate
20 before the data are used for management. To that point, Mr.
21 Strelcheck replied that the funds were being used to that end,
22 and that he expected far more to ultimately be necessary to
23 resolve differences in the data collection programs. Mr.
24 Strelcheck reiterated the need to implement a common currency in
25 the short-term, in order to ensure that the fishery management
26 plan complied with the Magnuson-Stevens Act.

27
28 A committee member stated a desire to have NOAA OST and NMFS
29 start working with small states like Mississippi to resolve the
30 aforementioned issues prevalent in the MRIP-FES data in that
31 state. He added that the issues he presented are only some of
32 those requiring clarification and resolution.

33
34 Dr. Cody replied that the Gulf States Marine Fisheries
35 Commission had the infrastructure to facilitate this work
36 between the states and added that he would begin working with
37 leadership therein to begin coordinating a workshop to explore
38 the differences between the state and federal survey programs.
39 Mr. Strelcheck added that other, larger states, like Florida,
40 have also reported data discrepancies with MRIP-FES and between
41 their survey and MRIP.

42
43 The committee chair recommended giving the committee time to
44 contemplate the discussions had thus far, with continued
45 discussions to resume during Full Council. NOAA General Counsel
46 detailed the options before the council, including adding the
47 implementation date of January 1, 2023, to Alternatives 3
48 through 5 in Action 1, with accompanying rationale for that

1 implementation date included therein, or the council could alter
2 the implementation date to January 1, 2022.

3
4 However, delaying implementation for all alternatives does not
5 resolve the issue of the proposed action's incompatibility with
6 the Magnuson-Stevens Act. A committee member asked about the
7 projected implementation with the proposed changes and asked
8 whether it would be near or in 2023 by the time the framework
9 action is implemented. Implementation timing was cited as
10 uncertain and dependent on the progress made on the issue by the
11 council.

12
13 A committee member asked whether NMFS could select a different
14 preferred alternative within the document than the council's
15 current preferred alternative. NOAA General Counsel stated that
16 NOAA/NMFS must determine the consistency of the proposed action
17 with the Magnuson-Stevens Act in its recommendation to the
18 Secretary of Commerce. If the proposed action is inconsistent,
19 then NMFS must notify the council of the inconsistency and
20 request the council to modify its recommended action, as
21 appropriate.

22
23 Ultimately, the Secretary of Commerce may act to ensure that the
24 fishery management plan is consistent with the Magnuson-Stevens
25 Act. A committee member asked for clarification on whether the
26 council or NOAA/NMFS were responsible for developing the record
27 of the council's intent. Mr. Strelcheck replied that the
28 council could include additional rationale for its
29 recommendation in its cover letter when transmitting the
30 framework action for implementation. However, the record is
31 also developed within the document and in the council's verbatim
32 minutes.

33
34 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Guyas. I see
35 General Spraggins has his hand up, and I know that you want to
36 put a motion, but I am going to ask that you delay the motion
37 until after our break. We're scheduled for lunch at 12:00, and
38 we're right at 12:00, and I think it's an appropriate time to
39 take a break. If it's okay with the committee, and I'll just
40 get a general agreement here, but we're scheduled for an hour-
41 and-a-half. It's a Thursday afternoon, and I know some people
42 have travel plans. I would like to keep it to an hour, if
43 that's okay with folks. Are you willing to do that? All right,
44 and so we'll come back at 1:00. Thank you.

45
46 (Whereupon, the meeting recessed for lunch on August 26, 2021.)
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1
2 August 26, 2021

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4 THURSDAY AFTERNOON SESSION

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7

8 The Full Council of the Gulf of Mexico Fishery Management
9 Council reconvened on Thursday afternoon, August 26, 2021, and
10 was called to order by Chairman Tom Frazer.

11
12 **CHAIRMAN FRAZER:** I appreciate everybody cutting their
13 lunchbreak a little bit short, and it looks like we've got
14 everybody at the table. Ms. Guyas, if you want to just pick up,
15 but I understand that General Spraggins had a hand up right
16 before.

17
18 **GENERAL SPRAGGINS:** Thank you, Mr. Chairman and Madam Chairman.
19 I would like to make a motion, if I could, if I could get her to
20 bring up the motion that I have.

21
22 **CHAIRMAN FRAZER:** Okay. We'll get that motion up on the board.

23
24 **GENERAL SPRAGGINS:** She's going to bring it up. While she's
25 working on that, this is basically talking about a calibration
26 and what we need to do to look at it. Obviously, the one thing
27 is that we have the 2023 timeframe set for calibration, but we
28 would definitely like to try to do something between now and
29 that time, to make sure that we're not in the same situation as
30 we are today. With that, with your permission, Madam Chairman,
31 I will read the motion.

32
33 **The motion is to request that the NOAA Office of Science and**
34 **Technology to work with the Gulf States Marine Fisheries**
35 **Commission and associated state partners to conduct a data**
36 **workshop to examine how wave-specific estimates associated with**
37 **low sample size and shortened seasons may affect CHTS/FES**
38 **recreational red snapper landings and corresponding calibration**
39 **ratios using the calibration method previously reviewed and**
40 **approved for management use by the SSC, as well as inclusion of**
41 **2020 data. Findings from this workshop, including recalculated**
42 **calibration ratios and associated data inputs, shall be reviewed**
43 **for management use by the SSC prior to calibration**
44 **implementation currently scheduled to occur on January 1, 2023.**
45 I would like to put that motion in.

46
47 **CHAIRMAN FRAZER:** Okay. Thank you, General Spraggins. Is there
48 a second for this motion?

1
2 **MR. ANSON:** I will second it.
3
4 **CHAIRMAN FRAZER:** Okay. It's seconded, and so, General, do you
5 want to elaborate any further on it, or do you think that that
6 captures it?
7
8 **GENERAL SPRAGGINS:** No, I don't need to elaborate really that
9 much on it. If anyone has any conversation, that would be
10 welcome.
11
12 **CHAIRMAN FRAZER:** Is there any other further discussion on the
13 motion. Mr. Gill.
14
15 **MR. GILL:** Thank you, Mr. Chairman. Joe, I guess I have a
16 question relative to your middle part, where you say using the
17 calibration method previously reviewed and approved for
18 management use by the SSC, and so we have heard some discussion
19 that, one, the NAS report didn't mention a ratio method as one
20 of the recommended methods, and we also recognize that,
21 therefore, there are other methods that might be used or not.
22 Why did you restrict it to the one that has been considered thus
23 far, and, if you're going thus far to establish this workshop to
24 look at all this in a different light, et cetera, consider other
25 mechanisms which may be better, or may be worse, and I don't
26 know, but why restrict it to the only one on the table
27 currently?
28
29 **GENERAL SPRAGGINS:** Well, you know, I'm open to more than one,
30 and I was trying to make it more streamlined, as much as I
31 possibly could, to try to get something accomplished, but, if
32 there's other methods that we would like to look at, I would be
33 more than welcome to modify the motion to do that.
34
35 **CHAIRMAN FRAZER:** Dr. Stunz.
36
37 **DR. STUNZ:** General, I strongly support your motion, but I have
38 a comment along the same line as Bob, and, with that National
39 Academy of Sciences report, we may just have some other options
40 which might fit better, as we get into these calibrations, and
41 so I didn't want to be tied to one thing in particular, and I
42 don't know that that was the intent of your motion, but I just
43 wanted to make sure that there's other options for calibrations,
44 as we head down that path.
45
46 **GENERAL SPRAGGINS:** Okay. Let me work on it. Give me just a
47 second, to see if we can come up with some wording that would --
48 If somebody has it, please give it to me.

1
2 **CHAIRMAN FRAZER:** Okay. We're going to get a few more comments
3 first, General Spraggins, and so let's make sure we capture
4 those before you get to working too hard. Kevin Anson.

5
6 **MR. ANSON:** Just a follow-up on what General Spraggins had
7 mentioned. When I looked at this, I was thinking more something
8 that was, as General Spraggins said, streamlined and not
9 anything that would necessarily bog the process down in order to
10 meet the January 1 timeline that's mentioned in the motion.
11 Certainly it might come up as part of the meetings and
12 discussions relative to this specific task, throughout that
13 process, additional or new ways to look at that, but that would
14 be a totally different process, and I think it would just take a
15 little longer to go through that, and that's just my two-cents.
16 Anyway, thank you.

17
18 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Dr. Porch.

19
20 **DR. PORCH:** Thank you. I just wanted to let the council know
21 that I have been in conversations with Richard Cody, and I have
22 talked to some of you already, and the Office of Science and
23 Technology is very keen to have a workshop similar to this, and
24 I imagine that they would want to look at a little bit broader
25 scope than just the specific elements in the motion, but, again,
26 we're keen to have it, and so I hope it does happen fairly soon,
27 but I agree with Mr. Anson that we're unlikely to come to a
28 resolution as early as January.

29
30 **CHAIRMAN FRAZER:** Martha.

31
32 **MS. GUYAS:** Just real quick, I mean, I feel like the -- So the
33 motion identifies one of the issues that we have around FES and
34 getting to this very specific circumstance and the end goal of
35 adjusting maybe some of these calibrations, but, I mean, to what
36 Clay just said, I mean, there are bigger issues.

37
38 You know, our agency has sent letters to Chris Oliver and others
39 about this issue, just FES in general, and so I feel like this
40 is a piece of the puzzle, but we do need to address the bigger
41 picture here, and so, if the transition team is going to get
42 back together, that's great. I'm hoping that it's more than
43 just conversations and we start to see some movement on actions.

44
45 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Mr. Donaldson.

46
47 **MR. DONALDSON:** Thank you, Mr. Chair. We have been sharing
48 emails with Richard Cody this week about getting together for a

1 workshop, and one of the things that we've stressed to him is
2 that we need to have some real outcomes of this, so we're not
3 just -- Because we've talked about this issue quite a bit, and
4 we just want to make sure that, after the talking, that we
5 actually have a clear path forward, or a clearer path forward.

6
7 **CHAIRMAN FRAZER:** Thank you, Mr. Donaldson. Ryan, if you want
8 to -- If the General is willing to accept your suggestions.

9
10 **MR. RINDONE:** I was just going to -- Thank you, Mr. Chair. I
11 was just going to try to help with the language for the General,
12 based on the conversation that the council members were having,
13 and so address limiting it to just the current calibration
14 ratios and the desire for this particular effort to perhaps
15 encompass more than just this topic.

16
17 Where it says, "and associated state partners to conduct a data
18 workshop", "to include an examination of", and then delete "to
19 examine". Then "landings and corresponding calibration ratios",
20 Lines 5 to 6, "calibration ratios", and then delete "using the
21 calibration method previously reviewed". Then "and approved for
22 management by the SSC", because, based on the discussion that
23 you guys were having, it seemed like you wanted to -- At least
24 the General wanted to look at how this was affecting the small
25 states based on what was already done and then to look at
26 perhaps how to explore an alternative to that with some of the
27 additional data.

28
29 Then, by saying "to include an examination of", then, when this
30 workshop is ultimately put together, this would be an agenda
31 item, as opposed to the agenda item, and so, if the council
32 members had additional things they wanted to suggest, then they
33 could make a list, I guess.

34
35 **CHAIRMAN FRAZER:** General Spraggins, are you good with that
36 amended language?

37
38 **GENERAL SPRAGGINS:** I am perfectly with that. To me, the idea
39 is we're trying -- To get back to what we're trying to say
40 there, the idea is to look at the outliers and look at the other
41 ways and to include the 2020, and so I'm perfectly fine with
42 that, and I would like to change my motion to read that.

43
44 **CHAIRMAN FRAZER:** Thank you. Is the seconder also good?

45
46 **MR. ANSON:** I am hung up a little bit about "sample size and
47 shorted seasons may affect recreational red snapper landings and
48 corresponding calibration ratios", as well as the 2020 data

1 included, and so there's no -- I guess, as long as it's the
2 understanding that the product of the deliberations that look at
3 those specific things will be not only looking at some of the
4 wave-specific estimates and, again, how they impact, but also
5 that there will be a new, potentially new, calibration ratio
6 that would include the 2020 data that would then be reviewed by
7 the SSC for possible inclusion into management, and that would
8 be my biggest thing.

9
10 If that's the -- That would be the intent of the motion, is the
11 way I see it, General, and I just wanted to make sure that
12 you're clear that that's your intention too, is that there will
13 be an analysis that includes the 2020 data that would then be
14 brought forth to the SSC, correct?

15
16 **GENERAL SPRAGGINS:** That is correct, and, if I'm misreading
17 this, obviously, please help me with it, but I am thinking about
18 the last statement puts in there that the management used by the
19 SSC prior to calibration would give us what we're looking for.
20 Now, if I'm misreading something, please help.

21
22 **MR. ANSON:** No, and I just -- That's just my concern, just for
23 an off-the-cuff and not having too long to look at it, and so
24 that's all, and so, yes, I would still maintain my second for
25 this motion.

26
27 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Mr. Gill.

28
29 **MR. GILL:** Thank you, Mr. Chairman. Joe, I would like to
30 suggest that we delete "for management use". The reason I say
31 that is the SSC ought to review all of that and not just for
32 management use, but it's just like they did for calibration
33 ratios and provide their input and review of what we went on at
34 the workshop, what the output was. I think restricting it to
35 just management use is probably not in our best interest, and
36 would you accept that change?

37
38 **GENERAL SPRAGGINS:** Mr. Gill, the one thing that I want to stay
39 in there, and now maybe the wording might not be exactly the way
40 it is now, is that the SSC has to use this to look at, and so,
41 when you say for management use, the SSC would use that to
42 manage what they're going to do, and is there a different way of
43 putting it, and I don't know, and am I missing something here?
44 I am open to anybody, and, please, you all help me if there's
45 something that I am missing here.

46
47 **CHAIRMAN FRAZER:** Mr. Rindone.

48

1 **MR. RINDONE:** So perhaps "shall be reviewed for its
2 appropriateness for management use"?
3
4 **GENERAL SPRAGGINS:** That would be fine.
5
6 **MR. RINDONE:** Then that doesn't preordain that it's going to or
7 not going to be done, and it gives the SSC the ability to
8 continue to operate in that science realm.
9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone, for that friendly
11 suggestion. It looks like the General will accept that.
12
13 **GENERAL SPRAGGINS:** I would accept that, if that's okay with Mr.
14 Gill, and is that what you're thinking too?
15
16 **CHAIRMAN FRAZER:** Mr. Anson.
17
18 **MR. ANSON:** I concur.
19
20 **CHAIRMAN FRAZER:** Ms. Boggs.
21
22 **MS. BOGGS:** My question is, once -- I am not going to quite
23 frame this correctly, but once the states and NMFS and the
24 Science Center, whomever, concurs on this calibration, is this
25 something that will remain in effect? I mean, I know things
26 change, but we're not going to be having this discussion
27 consistently, annually, every time a new assessment comes out,
28 and I'm just curious. Are we trying to get to finality with
29 this, or can we?
30
31 **CHAIRMAN FRAZER:** I certainly have an opinion that, but I'm
32 going to defer to the Science Center and Dr. Porch.
33
34 **DR. PORCH:** I think that's a hard question to answer, since
35 we're not sure what the relative accuracy is of the various
36 surveys, and we may come to different conclusions with respect
37 to different surveys, and the surveys may be modified in time,
38 and so it's really hard for me to predict exactly how long this
39 will go on for.
40
41 I mean, obviously, we all would like to get to a point where we
42 have a single survey, or a very well-vetted set of surveys, and
43 then we could calibrate them back in time, because that's the
44 other issue we haven't talked much about, and I won't go into
45 detail here, but, if we're going to do stock assessments with
46 the state data, if it ends up coming to that, if that decision
47 is made, then somehow you have to calibrate those back in time,
48 and that's a fairly challenging lift. I wish I could give you a

1 very clear answer on that, but there's too many variables right
2 now.

3
4 **CHAIRMAN FRAZER:** Thank you, Dr. Porch. Okay. Mr. Williamson.

5
6 **MR. WILLIAMSON:** It seems to beg the question of what did
7 Congress really mean when they appropriated the \$2 million in
8 NOAA's budget for determining what the best science is on
9 calibrating these systems. There seems to be some confusion
10 around the table as to what that really is, and could we get
11 some sort of formal interpretation from NOAA as to what they
12 think all of this means? We heard from Mara that it's very
13 complicated, and can we get something we can understand?

14
15 **CHAIRMAN FRAZER:** Again, I am just going to share my opinion at
16 this point, Troy. I mean, the appropriation language that was
17 provided to NOAA from Congress, I certainly think that that's
18 important for the leadership of NOAA and Congress to have those
19 discussions about what the intent was.

20
21 I think we would be somewhat out of our lane here if we try to
22 infer what that intent was, and I would much prefer that, when
23 NOAA feels they understand what that means, that they
24 communicate it effectively to the council, rather than getting
25 out in front of them.

26
27 **MR. WILLIAMSON:** Well, that's exactly what I meant. Rather than
28 us inferring something, that we get some formal interpretation.

29
30 **CHAIRMAN FRAZER:** I think that will play out in due course, and
31 hopefully we'll have that information, and, when we do, we'll
32 bring it to the council, for sure. All right. Mr. Strelcheck.

33
34 **MR. STRELCHECK:** A question to the motion, and so it says "as
35 well as inclusion of 2020 data", and my suggestion is, "as well
36 as consideration of 2020 data", and the reason I say that is
37 that the current calibrations use a variety of years, depending
38 on what state you're talking about, and, although 2020 wasn't
39 considered, I know the data was considered I think from 2015 to
40 2019 for most states, but then there was a subset of years used
41 for those calibrations, in many cases, but I just wanted
42 clarification with regard to inclusion versus consideration.

43
44 **CHAIRMAN FRAZER:** Another suggested friendly amendment, General
45 Spraggins.

46
47 **GENERAL SPRAGGINS:** I'm sorry, sir, but I couldn't hear you.

48

1 **CHAIRMAN FRAZER:** What Andy is suggesting is that you might want
2 to change the word "inclusion" in the motion, as written, where
3 it says, "as well as inclusion of 2020 data", to say "as well as
4 consideration of 2020 data". Is that correct, Mr. Strelcheck?

5
6 **GENERAL SPRAGGINS:** Okay. One of the major reasons we want the
7 2020 data is, obviously, like I said, some of the waves in it
8 have caused that to do it. If we used only the 2020 data in
9 Mississippi, we would get a 50 percent increase, where, if we
10 use 2018 and 2019, we would get a 60 percent loss, and so that's
11 a big, huge thing. Rick, I'm going to ask you to help me with
12 this, and are you okay with that? If it's all right with Mr.
13 Anson, are you okay in not taking the inclusion?

14
15 **MR. ANSON:** Yes, I think would be fine. I mean, in my mind, for
16 going to Andy's point, I think it was -- At least for Alabama,
17 it was 2018 and 2019 data that was used, and so 2020 would be
18 three years of data, and that's kind of the -- We try to do that
19 with the standard that was used for years, is your benchmark, or
20 your average, and so I wouldn't have any problem with that. It
21 kind of gives a little bit of flexibility. From the opposite
22 point of view, it doesn't have to be included, but it
23 potentially could be included, and so that's the way I read it
24 now.

25
26 **GENERAL SPRAGGINS:** I'm okay to take the word out and modify it.

27
28 **CHAIRMAN FRAZER:** Okay. I think we're getting pretty close.
29 Leann, your hand was up. I don't see it on the board anymore,
30 and is it still up?

31
32 **MS. BOSARGE:** Yes, sir. I was just going to suggest that, at
33 least the info that Dale presented -- He had some specific
34 questions, and he gave examples of specific ways and what CHTS
35 shows and what the state data collection shows, and, in college,
36 you can go into a marketing class, right, and you can study all
37 the theoretical aspects of marketing all you want, and talk
38 about it and hash out what's best, but then you go into case
39 studies, and that's where the rubber really meets the road, and
40 that's where you get down to how things get applied and how you
41 work it out in practice.

42
43 I would suggest that some case studies, which are things like
44 Dale presented during committee, get submitted to OST
45 beforehand, so that they can bring you back some information on
46 that, and that may help the group really get down to some
47 resolution somewhere, and so I wanted to say that, and then I
48 just wanted to say that I am glad to see this. However, I do

1 still think that the calibrations that we just talked about have
2 to be implemented, and this will help you fine-tune them. Thank
3 you.

4
5 **CHAIRMAN FRAZER:** Okay. Leann, thank you for those comments.
6 They're certainly going to be captured in the minutes, and I'm
7 sure that the representatives from Mississippi and other states
8 will certainly point out some of the shortcoming in the data,
9 from their perspective. Having said that, I think I'm going to
10 try to move us along. **Is there any opposition to this motion?**
11 **Not seeing any, the motion carries.** Ms. Guyas.

12
13 **MS. GUYAS:** Before I move on, I just wanted to note that --

14
15 **CHAIRMAN FRAZER:** Excuse me. Sorry. Mr. Diaz.

16
17 **MR. DIAZ:** I just want to say that, I mean, there's some folks
18 that said that they were willing to try to do this
19 expeditiously. I realize this is an important issue, and the
20 sooner we can do this, the better. I mean, I think it helps
21 everybody that is concerned if we take this up just as soon as
22 humanly possible. Thank you.

23
24 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Go ahead, Ms. Guyas.

25
26 **MS. GUYAS:** Thanks. Before I move to the next section, there
27 were a couple of corrections that were pointed out to me from
28 this part, one of which was on page 4, and General Spraggins
29 noted that the percentage for Mississippi was not correct, and
30 it is actually 72.6 percent of their ACL. I think there were
31 some other corrections as well, and I will let other people jump
32 in on that.

33
34 **CHAIRMAN FRAZER:** Real quick, there's a couple of comments, and
35 we'll try to address them in this part of the committee report,
36 but I would like to at least let the General have an opportunity
37 to clarify, or correct, what is written in the report, and it
38 doesn't mean that we'll change the report, but you'll be on the
39 record as actually providing an updated value.

40
41 **GENERAL SPRAGGINS:** If we put it in our report, it was a mistake
42 on our part, but, if you take the numbers, and you use the
43 151,000 ACL, and you use 110,000, it's 72.8 percent, and we're
44 right at 72.6 percent, and so it was a bit of a miscalculation,
45 and I will take the credit for making the mistake.

46
47 **CHAIRMAN FRAZER:** That's fine, and we'll capture that in the
48 minutes of this session, because any decisions that were made

1 based on that value in committee need to be reflected in the
2 report text.

3
4 **GENERAL SPRAGGINS:** Thank you.

5
6 **CHAIRMAN FRAZER:** You get. Similarly, I just wanted -- There
7 was a conversation that took place with regard to the agency's
8 use of data, correct data or incorrect data, and I wanted Dr.
9 Porch to have an opportunity to clarify the statement on page 6
10 of the report, as it says the Southeast Fisheries Science Center
11 replied that no incorrect data are being used, adding that NMFS
12 and NOAA OST are actively working to resolve discrepancies in
13 the state and federal data collection programs, and so that was
14 a very lengthy and involved conversation, and I just wanted to
15 make sure that he had an opportunity to clarify what he was
16 trying to say.

17
18 **DR. PORCH:** All right. Thank you. I appreciate that. I
19 certainly wasn't trying to say that we never have, or never
20 will, use incorrect data, because we don't know if the data is
21 always correct. What I was responding to was the implication
22 that we were knowingly using wrong data, and that's simply not
23 the case. The reality is, from our perspective, the relative
24 accuracy of the various surveys has not been fully established
25 yet, and so we're working with the survey that has undergone the
26 most review at this point, and that's the MRIP survey, and then
27 on top of it, as Andy shared, the quota and the allocations were
28 based on CHTS, and so we're just trying to keep the currency
29 consistent.

30
31 It's sort of like, if you go to the store, and the price is in
32 dollars, you don't try and pay in yen, and so we're just trying
33 to be consistent. Thank you.

34
35 **CHAIRMAN FRAZER:** Thanks. Again, I just wanted to give both
36 individuals an opportunity to clarify, in the minutes, what they
37 actually meant. All right. Ms. Guyas, go ahead.

38
39 **MS. GUYAS:** Okay. New section. Reef Fish Amendments 36B and
40 36C: Modifications to Individual Fishing Quota.

41
42 **CHAIRMAN FRAZER:** Excuse me again, Ms. Guyas. Kevin Anson.

43
44 **MR. ANSON:** Thank you, Mr. Chair. I have a motion that's
45 appropriate for this section, or at least it deals with red
46 snapper, and I have already sent it to staff, that I would like
47 to put up on the board.

1 **CHAIRMAN FRAZER:** Okay. Go ahead.

2
3 **MR. ANSON:** I will start talking a little bit about it. It is a
4 long motion, for better or worse, but there is lots of things,
5 as you just talked about, that are still kind of out there
6 relative to these data collection programs and a review process,
7 and so this kind of picks up on several of the themes related to
8 that, and so I will go ahead and read it.

9
10 **This first part may not be appropriate for the motion, but, in**
11 **response to the direction of the United States Congress in the**
12 **2021 CJS Appropriations legislation that passed by broad**
13 **bipartisan support, I move that, before making any related**
14 **regulatory changes derived from recreational landings**
15 **calibration, NMFS, as directed by Congress, is to address the**
16 **question of which data collection system, for example, MRIP or**
17 **the catch data programs administered by the Gulf States, are**
18 **providing the best estimates of recreational red snapper catch**
19 **in the Gulf of Mexico and for NMFS to contract with a non-**
20 **governmental entity with expertise in statistics and fisheries-**
21 **dependent data collection to provide the following: (1)an**
22 **independent assessment of the accuracy and precision of both the**
23 **Federal and State recreational catch data programs in the Gulf**
24 **of Mexico; (2)recommended improvements to be made to the Federal**
25 **and State recreational catch data programs in the Gulf of Mexico**
26 **to improve accuracy and precision; (3)an independent assessment,**
27 **based on the results of the two prior items, to how best to**
28 **calibrate the federal and state recreational catch data programs**
29 **in the Gulf of Mexico to a common currency; and (4)a**
30 **determination of a simple state-by-state exploitation rate, or**
31 **F, using total combined fishery-dependent sources of state**
32 **harvest from commercial anglers and federally-permitted anglers**
33 **interchanged with federal and state recreational data program**
34 **estimates and abundance estimates off respective states from the**
35 **Great Red Snapper Count.**

36
37 **CHAIRMAN FRAZER:** I am not clear, Mr. Anson --

38
39 **MR. ANSON:** If I get a second, I will further clarify.

40
41 **DR. SHIPP:** I will second it.

42
43 **CHAIRMAN FRAZER:** It's seconded by Dr. Shipp. I am not clear
44 what you're asking the council to do.

45
46 **MR. ANSON:** I am just, essentially, asking NMFS to go ahead with
47 the process that we've just talked about on the last motion, but
48 in a more detailed manner and which more aligns with the

1 appropriations legislation, to try to answer that question of
2 why there is discrepancies between the federal and the state
3 data collection programs.

4
5 Then, a little bit beyond that, trying to look at other ways to
6 maybe potentially compare those results, to see how they best
7 fit in with our current understanding of the red snapper
8 population, as it relates primarily to the Great Red Snapper
9 Count information.

10
11 Just, again, to provide a little bit more clarification to help
12 answer that general question, or broad question, of accuracy,
13 precision, and appropriateness of the two estimates, state and
14 federal, and then just the fourth one is just kind of, again, as
15 a check, if you will, to help answer or provide clarification to
16 the other three points that are addressed, and so the previous
17 motion was more specific, and it was more guidance to staff,
18 NOAA staff, to start a process, and this is a more detailed
19 process, or, actually, a wider, broader conversation of the
20 overall question of the appropriateness of the state versus
21 federal data collection programs in regards to red snapper, and
22 it also involves an outside group, an entity that will kind of
23 carry that process through, and it's tied in with the
24 legislation, and so that's why there is -- In my mind, this is -
25 - Although similar, it is broader and is of a different track
26 than the previous motion.

27
28 **CHAIRMAN FRAZER:** Okay. I just want to -- I am not intending to
29 respond in a sarcastic manner, and so don't take it that way,
30 but my interpretation of this is that the appropriation language
31 that we talked about coming from Congress to the Department of
32 Commerce and the agency, and so you're essentially wanting some
33 language coming from the council that reminds the agency that
34 they need to do what Congress told them.

35
36 **MR. ANSON:** That's essentially it, yes, is that, as a body, we
37 would vote on this, and it would go up or down, but, if it goes
38 up, a letter would be written to the agency, yes, just reminding
39 them of what was in the legislation, and that's all. It would
40 just underscore that the council is in favor of that process.

41
42 **CHAIRMAN FRAZER:** So would that -- Again, I am trying to be very
43 specific about the direction here, and being very careful about
44 it, and so is the suggestion and the motion to prepare a letter
45 that is delivered then to the Assistant Administrator, Ms. Janet
46 Coit?

47
48 **MR. ANSON:** Yes, and I guess that should be included in this,

1 but, yes, that's -- The Assistant Administrator would probably
2 be best and most appropriate.

3
4 **CHAIRMAN FRAZER:** Okay. That's what I wanted to know. Is there
5 any further discussion of the motion? Mr. Strelcheck.

6
7 **MR. STRELCHECK:** I am speechless, to be honest with you. This
8 is a directive that the agency is well aware of, and we're
9 coordinating with Congress and providing them reports and
10 updates on the status of this, as much as has happened this
11 week, and it's amazing the amount of coordination that we're
12 seeing between some of our states and Congress this week with
13 regard to this issue, and I'm really disappointed that this is
14 what our fishery management council is falling into. We're
15 going to let politics rule how we manage our fisheries.

16
17 Each of us around this table is responsible for managing the
18 fisheries of the Gulf of Mexico, and we play a key role in that,
19 and I swore in members this week who took an oath to support
20 Magnuson. All right?

21
22 We are responsible, the agency is responsible, for responding to
23 Congress as the federal government, and we will. The point at
24 the bottom, the fourth point, I don't understand it, because, to
25 me, that's unrelated to, one, the directive of Congress and,
26 two, it's a separate way of managing this fishery that this
27 council hasn't determined at this point as the appropriate
28 manner for determining how to manage this fishery, and so, once
29 again, Number 4 falls within the purview of this council.

30
31 If you want to manage the fishery that way, then we need to
32 pursue that through the council process, working through a stock
33 assessment and the Science Center and others, in order to
34 explore that as an option, but to give this as a directive and
35 be redundant with what Congress has already indicated makes
36 absolutely zero sense to me.

37
38 **CHAIRMAN FRAZER:** Ms. Guyas.

39
40 **MS. GUYAS:** I was just going out to point out that Number 4 was
41 not part of that CJS language, but Andy covered it. This is a
42 separate issue.

43
44 **CHAIRMAN FRAZER:** Okay. Ms. Boggs.

45
46 **MS. BOGGS:** Well, I mean, I will concur with Andy. Congress has
47 provided these funds to go do this, but we still have to stay
48 within Magnuson, to end overfishing, to stop overfishing, and so

1 I think these are two separate issues, just like I said earlier
2 about the Great Red Snapper Count, and that has nothing to do
3 with the issue at-hand, and we just seem to keep weaving all
4 these things together that are obviously very separate issues.
5 Thank you.

6
7 **CHAIRMAN FRAZER:** Okay. I think that this doesn't actually
8 require a lot of discussion, in my mind, but I will open it up
9 for a vote. **All of those in favor of this motion, raise your
10 hand; all those opposed. The motion carries.** Ms. Guyas.

11
12 **MS. BOSARGE:** Dr. Frazer, my hand is up, please, sir.

13
14 **CHAIRMAN FRAZER:** Your hand was up, Ms. Bosarge?

15
16 **MS. BOSARGE:** I voted, but then my hand was up for that motion,
17 and I want to make one comment, before we leave it.

18
19 **CHAIRMAN FRAZER:** Okay.

20
21 **MS. BOSARGE:** Because that was not a unanimous vote, I assume
22 we're -- It passed, and we're going to send a letter, but, you
23 know, I think it should be made clear that this was not a
24 unanimous vote by the council. I don't want anybody coming back
25 to me and saying, Leann, I see where you don't want anything
26 done with this or that or whatever, and no. I mean, honestly, I
27 don't really even know what all that motion means. That was put
28 up there, and I think, in five minutes flat, we voted it up or
29 down, and I haven't seen any information on all of these things,
30 and, I mean, it's just not the way we normally do business for
31 something that's that technical, and so that's got to be noted
32 in that letter, that this was not a unanimous vote and there was
33 some that voted against this, however you want to word that in
34 the letter.

35
36 **CHAIRMAN FRAZER:** Okay. We will capture your comments, Ms.
37 Bosarge. Dr. Simmons.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I
40 guess we'll write one letter with all of this information and
41 figure out -- I guess we would copy Cisco Werner on some of
42 this, because it's in regard to Science & Technology and that
43 department, and is that correct?

44
45 **CHAIRMAN FRAZER:** Mr. Dyskow.

46
47 **MR. DYSKOW:** Thank you, Mr. Chairman. I voted in favor of this
48 motion, and I didn't abstain.

1
2 **CHAIRMAN FRAZER:** All right, and so I just want to make sure
3 that we can read the vote correctly into the record. **The motion**
4 **carried with eleven yes votes, four no votes, and two**
5 **abstentions.** That is in fact the voting record, eleven to four
6 and two abstentions. Ms. Boggs.

7
8 **MS. BOGGS:** It sounds like we're about to move on, and so what
9 happens with this framework action now? Is it just hanging out
10 there, and the agency will take a stance from that point, since
11 the council has basically chosen not to take action on this?

12
13 **CHAIRMAN FRAZER:** That's right, and so the framework action will
14 move forward, and the agency will make a determination. Ms.
15 Guyas.

16
17 **MS. GUYAS:** All right. Reef Fish Amendments 36B and 36C:
18 Modifications to Individual Fishing Quota, staff explained the
19 plan for covering this agenda item, noting that the presentation
20 would be paused to allow for committee discussion of the purpose
21 statements for Amendments 36B and 36C together. The committee
22 considered a motion to form a small, facilitated focus group to
23 develop a plan to address changes to the IFQ programs, but the
24 motion was ultimately withdrawn.

25
26 Staff reviewed the recommendations from the Red Snapper and
27 Grouper-Tilefish IFQ Advisory Panel and the actions in Amendment
28 36B. The committee discussed the alternatives in Action 1 that
29 would make all shareholder accounts permit-required and those
30 that would establish both permit-required and permit-exempt
31 shareholder accounts.

32
33 With the intent to gauge committee support for establishing
34 permit-exempt accounts, a committee member moved to select as
35 preferred the alternative that would require all shareholder
36 accounts to have a permit. The motion failed six to seven.

37
38 Staff reviewed the new Action 3, which addresses permit-exempt
39 accounts only. After withdrawing a motion to move Action 3.2 to
40 Considered but Rejected, the committee moved to select preferred
41 alternatives for each sub-action.

42
43 **The committee recommends, and I so move, in Action 3.1, to make**
44 **Alternative 1 the preferred. Alternative 1 is no action. There**
45 **is no share limit for permit-exempt shareholder accounts that do**
46 **not have a permit. The existing share cap for each share**
47 **category that applies to any U.S. citizen or permanent resident**
48 **remains in place.**

1
2 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have a committee
3 motion on the board. That motion carried without opposition,
4 and is there any further discussion of the motion? **Seeing none,**
5 **is there any opposition to the motion? Seeing none, the motion**
6 **carries.**
7

8 **MS. GUYAS:** The committee recommends, and I so move, in Action
9 3.2, to make Alternative 2 the preferred. Alternative 2 is
10 shareholder accounts that have been closed may be reopened, but
11 a reopened account becomes a permit-required account and must be
12 associated with a commercial reef fish permit to hold shares.
13 The time periods provided under Action 2 to bring an account
14 into compliance following implementation of this amendment would
15 apply to reopened accounts, if selected.
16

17 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have another
18 committee motion on the board. That motion also passed without
19 opposition. Is there any further discussion of the motion?
20 **Seeing none, is there any opposition to the motion? Seeing**
21 **none, the motion carries.** Ms. Guyas.
22

23 **MS. GUYAS:** The committee returned to Action 2, which provides
24 options for the amount of time permit-required accounts would
25 have to ensure their account complies with the permit
26 requirement. The committee discussed the additional alternative
27 that addresses shares that are transferred as a result of a
28 legal proceeding.
29

30 **The committee recommends, and I so move, in Amendment 36B,**
31 **Action 2, to make Alternative 4 and Option 4b an additional**
32 **preferred. Alternative 4 is, if shares are acquired from an**
33 **inheritance or other legal proceeding (e.g., divorce) and the**
34 **shares are transferred to a permit-required shareholder account,**
35 **the shareholder must divest of the account's shares as needed to**
36 **meet the requirements set in Action 1, or the shares will be**
37 **reclaimed by NMFS. Option 4b is three years following the date**
38 **the shares were transferred into the account.**
39

40 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have a committee
41 motion on the board. Is there any further discussion of the
42 motion? I am not seeing any. **Is there any opposition to the**
43 **motion? Seeing none, the motion carries.** Ms. Guyas.
44

45 **MS. GUYAS:** The committee did not have time to review the
46 actions in Amendment 36C, but broadly discussed the relevance of
47 the actions to one another and to the purpose of the amendment.
48

1 **The committee recommends, and I so move, in Draft Amendment 36C,**
2 **to move Action 3 to Considered but Rejected. Action 3 is**
3 **accuracy of estimated weights in advance landing notifications.**
4

5 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Guyas. We have a
6 committee motion on the board. We'll get it up so that
7 everybody can see it. Is there any further discussion of the
8 motion? **Seeing none, is there any opposition to the motion?**
9 **Seeing none, the motion carries.** Mr. Gill.

10
11 **MR. GILL:** Thank you, Mr. Chairman. Before we leave this
12 subject, I would like to discuss more the motion that I brought
13 up in committee that I subsequently withdrew, after some
14 discussion.

15
16 We have made some, if you will, movement on 36B, but I still
17 come away with the impression that it's a scattershot, that we
18 don't have a good sense of direction of where we're trying to
19 go, and we're kind of piecemealing on the fly, if you will,
20 changes to the current program.

21
22 In addition to that, we heard yesterday, at public testimony,
23 that there were several folks that testified in favor of the
24 concept of the motion that I made in committee, and, if you
25 recall the discussion at committee, we brought up several points
26 that I thought were well based, and I would have preferred that
27 we modified the motion to accommodate them, but we didn't, and
28 so we didn't do anything with it.

29
30 I would like to, and, Bernie, if you would bring up the revised
31 IFQ motion, to bring up another attempt to gain some focus on
32 this particular document, and the major changes from the one you
33 saw in committee were several.

34
35 One is it's now restricted to grouper-tilefish, to more comport
36 with 36B, as opposed to trying to rope in red snapper as well,
37 but, secondly, there was some discussion about how we proceed in
38 forming such a focus group, and so I've modified that as well,
39 both that the selection group could be determining a process and
40 changing the makeup of that group.

41
42 Finally, in response to the concerns of the generality of the
43 motion and committee, I put some specificity in here, and I used
44 three, which may or may not be the council's desire for which
45 one should be addressed, but, at least as a starting point in
46 discussing how to go about all of this, and I mentioned discards
47 and fairness and equity and new entrants.

1 I offer this motion in an attempt to bring focus to 36B, and it
2 may or may not result in better direction, but that is my hope
3 and my intent. Thank you, Mr. Chair.

4
5 **CHAIRMAN FRAZER:** Thank you, Mr. Gill. Is there a second to
6 this motion? It's seconded by Mr. Strelcheck. Okay. We've
7 heard a pretty long explanation by Mr. Gill, and we certainly
8 had some comments around this table in committee, as well as
9 public testimony, and so we'll continue the discussion now. Ms.
10 Boggs.

11
12 **MS. BOGGS:** Well, I have a comment to the motion. I mean, you
13 say "approved by the Regional Administrator and council and Reef
14 Fish Committee Chairs". Well, the Reef Fish Committee Chair
15 sits on the council, and so I don't know why you need to --
16 Unless you're referring to the two APs.

17
18 Then I guess my next question would be maybe directed to Carrie,
19 and is this something like an AP that we would advertise for,
20 because, I mean, the way I see this, we're going to end up with
21 the same people that we currently have on our APs for Reef Fish,
22 Grouper-Tilefish, your agency members, and I understand the idea
23 behind it, but I'm just not exactly sure what we're
24 accomplishing, because I think we already have these people in
25 place. Thank you.

26
27 **CHAIRMAN FRAZER:** Mr. Gill.

28
29 **MR. GILL:** Thank you, Mr. Chairman. In response, I think there
30 are several notable differences. Number one, given the number
31 of years that this topic has been on the table, we haven't not
32 gotten any direction from any of the APs. Now, granted, that
33 may be the council's fault, for not specifically giving that
34 charge, but we haven't gotten that direction, and we certainly
35 haven't gotten it in the council.

36
37 Secondly, the problem that I have in proceeding down the same
38 path we've been on is that APs are a wonderful source of
39 information and knowledge and experience, but they're a large
40 body, and trying to grapple with these kinds of questions and
41 come to some formation on that blank page and something that has
42 a semblance of a direction is very difficult, and, in my view,
43 probably unlikely.

44
45 There is a lot of difference of opinion on the AP, and certainly
46 around this table as well, and so I think size is an issue, and,
47 secondly, I think, in order to make progress, it needs a driver,
48 and not one that is biased in one direction or the other, and

1 hence the facilitation that says, okay, we're here, and we've
2 got to get to there, and can help make it happen, as opposed to
3 a generalized discussion that basically goes round and round and
4 round. I think there is distinct differences in this approach
5 than where we've been, and the bottom line is where we've been
6 has not worked. Thank you.

7
8 **CHAIRMAN FRAZER:** Thank you, Mr. Gill. I have Ms. Guyas and
9 then Ms. Boggs.

10
11 **MS. GUYAS:** Thank you, Mr. Chair. Bob, I am onboard for this,
12 and I, like many, appreciate you bringing this forward, and I
13 think it's a good idea, and so the one part where I am
14 struggling now is just limiting it to grouper-tilefish.

15
16 I mean, just the one item here, specifically addressing and
17 minimizing discards, and so the discards we hear about from
18 grouper-tilefish are red snapper, and so making a change to
19 grouper-tilefish to address that is probably going to impact, or
20 potentially, I guess, depending on what this group comes up
21 with, would necessitate some change, potentially, to the red
22 snapper IFQ program.

23
24 Really, until like the last six months, most, I would say, of
25 the issues that at least I have heard about with the IFQ
26 programs have been relative to the red snapper IFQ program, and
27 so there's a couple of issues that have bubbled up with grouper-
28 tilefish that are really not dissimilar from what we have with
29 red snapper, and so I'm struggling with why we would just limit
30 it to grouper-tilefish.

31
32 **CHAIRMAN FRAZER:** To that point, quickly, Bob?

33
34 **MR. GILL:** Thank you, Mr. Chairman, and, Martha, I don't
35 disagree, and, as you recall, the proposed motion in committee
36 included red snapper, but also recall that many of the comments
37 around the table were that it was too general, too broad, and
38 there was no specificity.

39
40 If somebody wants to put red snapper back in there, I'm fine,
41 because I think the comments are there. The programs are
42 different, and they have different needs, and so that's one of
43 the difficulties that makes it harder to get to an endpoint, but
44 I am fine with that, if that's the will of the council. Thank
45 you.

46
47 **CHAIRMAN FRAZER:** Ms. Guyas.

48

1 **MS. GUYAS:** To that, I would -- I don't know if I need to do a
2 substitute or a friendly amendment, or however you want to
3 handle it, because I feel like, yes, they are different
4 programs, but it's a lot of the same fishermen that, if not are
5 participating in the program, that are catching these same fish,
6 and I feel like they are tied together, whether we want to
7 acknowledge that or not.

8

9 **MR. GILL:** I would accept it as a friendly.

10

11 **MS. GUYAS:** Okay. Thanks.

12

13 **CHAIRMAN FRAZER:** Okay, and so is the seconder good with the
14 modification? The seconder is good. Ms. Boggs.

15

16 **MS. BOGGS:** Well, Martha got to a couple of it, and so, as I sit
17 here and re-read the motion, I guess I am a little confused with
18 36B and 36C, and now we're throwing this out there, and so are
19 we trying to resolve the issues in 36B and 36C, or are we trying
20 to just wipe those two amendments out and try fresh from the
21 start, and figure out what the commercial fleet wants? I mean,
22 yes, I agree we need to include red snapper, because, to me,
23 they are tied at the hip, in different ways, but, I mean, one
24 depends on the other, in essence.

25

26 Bob, you mentioned getting a smaller group, less people, because
27 the APs are different diversity, and, well, that's the whole
28 point. I mean, you don't want, I don't want, Bob Gill to come
29 tell me what I'm going to do with my charter fleet, when Bob
30 Gill is not a charter fisherman, and I think you need that
31 diversity, because there is a lot of needs, and there's a lot of
32 differences of opinions, and I think that's what we keep
33 hearing, and that's why the council can't come to any decisions,
34 because we're trying to make calculated decisions that are good
35 for the whole -- These are people's livelihood.

36

37 For just a small group to come back and say this is what we
38 want, and the council act on that, and I know we have public
39 testimony, and we can deviate from what is brought back to us,
40 but I don't think you need to keep it to a confined group,
41 because then you leave a lot of these people out that are
42 sitting here saying, hey, you're not meeting my needs. Thank
43 you.

44

45 **CHAIRMAN FRAZER:** Mr. Gill.

46

47 **MR. GILL:** I did not see this group telling us what to do. What
48 I do see this group doing is providing a template, if you will,

1 that they would recommend, and it goes back to the APs for their
2 review and consideration and changes, whatever they do with it,
3 but it gives them something to focus on, rather than a blank
4 sheet of paper.

5
6 **CHAIRMAN FRAZER:** Okay. Dr. Stunz.

7
8 **DR. STUNZ:** Bob, I can support your motion, especially now with
9 red snapper in it, but also in the sense that I know we want to
10 keep it small, and I'm very in favor of that, and what I
11 mentioned in committee is just ensuring that it's
12 representative, and you kind of capture as much as possible with
13 a small group of those diverse interests, but I would also
14 encourage the council --

15
16 We haven't been moving fast on this thing, by any means,
17 obviously, and so I don't think there's a -- Slowing up is not
18 the right word, but we can still continue, and I would encourage
19 us to work on this, just like we would have with or without this
20 motion, from a council standpoint, because, you know, there is -
21 - We don't want to delay and then just wait however long this
22 takes for this group to come back and for it filter back up to
23 us. I think working on this simultaneously, and then feed this
24 in when it's appropriate, would allow us to keep moving with
25 this amendment.

26
27 **CHAIRMAN FRAZER:** Okay. Thanks, Dr. Stunz. Ms. Bosarge.

28
29 **MS. BOSARGE:** Thank you, sir. Bob, I was wondering if you
30 wanted to put commercial fishermen in this somewhere, maybe at
31 the beginning of the motion, when you say to form a small,
32 facilitated focus group of knowledgeable individuals, and do you
33 want to change "individuals" to "commercial fishermen"? I say
34 that just based on the discussion I heard around this council
35 table, and I think, if you populate this with anyone other than
36 commercial fishermen -- I listened to what the recreational
37 industry had to say about how to improve the IFQ program during
38 committee, and they thought you should sunset it and have it go
39 away, and that would improve it.

40
41 I don't think that's what you're really trying to pull out of
42 people here, and I think you want to actually take the program
43 and make some tweaks to it that might improve it, rather than
44 scrapping it, but I think that you're going to get that input if
45 you don't populate this group with commercial fishermen, at a
46 minimum, or excuse me. Populate it with commercial fishermen,
47 period.

48

1 That would be the one thing, and then, you know, we have -- I'm
2 not sure, Bob, if you're aware, but we have an ad hoc -- Not an
3 AP, but we have an ad hoc that is the IFQ ad hoc, essentially,
4 and so it's made up of small, medium, and large participants in
5 the commercial reef fish fishery, both grouper-tilefish and red
6 snapper.

7
8 Now, you know, are there some other people that I think have
9 come up to me with some real good ideas to move forward and make
10 some improvements to the IFQ that are not on that ad hoc right
11 now? Yes, there are, but that is a group that we have
12 populated, and there's been -- I want to say this real quickly,
13 but there's been one proposal that was put down in writing on a
14 way to maybe deal with some of these issues that you have in
15 Number 2 right there.

16
17 It's probably one of the best ideas that I have seen thus far.
18 Now, it was premised on the fact that there was going to
19 possibly be a large increase in quota from the Great Red Snapper
20 Count, but I would want to talk to that gentleman and see if he
21 is okay with it, but, if he was, that might be a good thing to
22 present to either this group that you're forming or the IFQ, the
23 ad hoc IFQ, panel that we have, to let them talk about it and
24 give us the pros and cons and change it as they see fit, or not,
25 and get back to us, because I thought it was actually very
26 focused and very well written. Thank you.

27
28 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. We've got a long list
29 going. Ava Lasseter.

30
31 **DR. AVA LASSETER:** Thank you, Mr. Chairman. I am trying to get
32 my head around this, and I think Mara touched on this, but I may
33 have misunderstood. This idea of a small focus group -- I mean,
34 the council has the authority to convene an AP, and is that
35 essentially the mechanism that we would do this? Of course,
36 then it means everything has to be noticed and open, and so I
37 think that part was touched on.

38
39 Then I am also wondering about "knowledgeable individuals", and,
40 to what Leann was just saying, I'm not sure how that would
41 differ from the members of the Ad Hoc Red Snapper and Grouper-
42 Tilefish IFQ AP that you have now, and it is a much larger
43 group, and you have nineteen, I believe, people on that, and so
44 it's not small.

45
46 Then I wanted to bring up that you have this National Academy of
47 Sciences study that we mentioned during committee, and the pre-
48 publication draft was just released, and that was definitely

1 drafted by some knowledgeable individuals that are not
2 commercial fishermen, that are academics that have worked on IFQ
3 programs all over the country, and I know it doesn't come out
4 with prescriptive solutions to these problems, and I haven't --
5 I am going to have to read it thoroughly, but it does touch on
6 the difficulties of modifying these programs after they have
7 been implemented, and it is much easier to include new entrant
8 provisions at the time that you are initially establishing the
9 program, rather than doing it later, and that's kind of why
10 we're in the more complicated mess that we're in now.

11
12 I guess I am just kind of struggling with this, and I say that
13 as council staff who would probably be assigned to pursue this,
14 if it follows, and so I'm wondering if you could just talk about
15 those aspects a little bit more.

16
17 **CHAIRMAN FRAZER:** Mr. Gill, would you like to respond?

18
19 **MR. GILL:** Thank you, Mr. Chairman. Well, I guess we're
20 considering several of the same points, and, going on the first
21 one, which was addressed by both, I have full confidence that
22 the RA and the chairs are full cognizant of all the issues and
23 concerns and particulars of the issue at-hand and that they can
24 devise either a process or a selection technique that we don't
25 need to be prescriptive, and they can put together as good of a
26 program to get to the answer, because the end result is we need
27 to get to the right answer, whatever that is, and I believe that
28 they can provide that without the council being prescriptive as
29 to I want Charlie Brown on there, or Jane, or whatever. I
30 prefer that side of that process, and I guess I have forgotten
31 Ava's other point.

32
33 **DR. LASSETER:** One thing I just -- I guess this isn't really
34 something to respond to in detail, but the National Academy of
35 Sciences study, and we were planning on inviting the committee
36 chair, and possibly somebody else, an economist and an
37 anthropologist, essentially, to present the report.

38
39 They're not going to tell the council what to do and how to
40 change the program, right, because those are policy choices, and
41 those are for you to decide which issues you want to address and
42 focus on.

43
44 Quite a bit of the report that I've read already does seem quite
45 consistent with the most recently completed joint review, and it
46 does highlight some other ideas and points that we could look
47 at. I guess I think that this NAS report might be a starting
48 point. If we could all become a little more familiar with it at

1 the October meeting, maybe that could inform the direction that
2 this is going, because I am kind of struggling with who would be
3 knowledgeable individuals that are not the AP members and how
4 this would function any differently than what we've been trying
5 to do now. Sorry that I kind of went off there.

6
7 **CHAIRMAN FRAZER:** Mr. Strelcheck.

8
9 **MR. STRELCHECK:** Let me, I guess, add my perspective to this.
10 we have struggled, for years, to work on the IFQ program, and
11 when Bob mentioned this earlier in committee, I liked the idea,
12 and I actually liked not calling out an advisory panel for this.
13 Let's do something different. Let's try something new.

14
15 My vision for this might even be different than Bob's, and I
16 like that there is kind of specific issues that we would be
17 charging this committee for, and what I would hope we could have
18 this group do is kind of take a step back and set up a vision
19 for this fishery and come up with some real solutions and give
20 us some real key guidance, pros and cons and benefits and
21 drawbacks, of those various activities and, ultimately, get
22 something tangible back before the council.

23
24 I think one of the struggles that we continue to face with these
25 amendments is we start getting actions and alternatives and
26 trying to address the purpose and need, but, at the end of the
27 day, we struggle to really understand whether or not our
28 preferred alternatives are actually going to accomplish what we
29 hope they accomplish, and, to me, having these knowledgeable
30 individuals, however we define that universe, I think can go a
31 long way to providing some specificity with regard to how we
32 could really move the ball forward and be successful with some
33 changes to the program to further improve it.

34
35 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. We've got Dale
36 Diaz and then Kevin Anson.

37
38 **MR. DALE DIAZ:** Thank you, Mr. Gill, for bringing this up. I
39 think you've forced us to make some good discussions here today,
40 and it's valuable. I am not going to try too long, and I know
41 we're running long, but I view these issues as point-of-view
42 issues, and, when I listened to the public testimony yesterday,
43 I heard commercial fishermen come up and talk, and I heard
44 everything from where it's not broke and don't fix it, or don't
45 mess with it, to I'm a slave and a few things in between there.

46
47 I think your point of view is how you perceive this program, and
48 one fisherman mentioned something to me on the break that I

1 think is a good idea, but, because of the point-of-view issue,
2 it might hurt this from succeeding, because he said that he
3 thought that, if we formed this group, we should ask them to
4 operate by consensus, where people will have to get in there and
5 there will have to be some compromising, probably, to come up
6 with recommendations. I actually think that's a good idea, but
7 I think it makes it very difficult.

8
9 I will stop there, but I do think, if we form the group, trying
10 to get them to operate by consensus is good, and the group
11 should be very small, and I'm thinking five or six or seven
12 people, something like that, and not a very big group, but I am
13 going to support your motion, Mr. Gill. Thank you.

14
15 **CHAIRMAN FRAZER:** Mr. Anson.

16
17 **MR. ANSON:** Dale just brought a couple of the points that I
18 wanted to make up, and I agree with him that it should be a
19 small group, and they should probably vote consensus, and that
20 would probably be the most reasonable approach, and they
21 certainly can provide pros and cons, as Andy suggested, and I
22 also agree with Andy that let's try something different.

23
24 I was a little on the fence on Tuesday when this came up, Bob,
25 and one comment that I did make was for you to consider a
26 timeline, and you have not included it, and so you have
27 considered it, I assume, and so I'm going a little bit back and
28 forth with that, as to, if you put a deadline on something, they
29 might be rushed, and you don't know what comes up, as far as
30 availability for meetings and scheduling a meeting, and so I can
31 understand that we may not want to do that, but at least your
32 motion today addresses specifically some of those big items that
33 is really what is bogging this document, or these documents,
34 down for us as a council.

35
36 Yes, I would like for it to be populated by those folks that
37 represent all spectrums of the fisheries here, of the programs,
38 the IFQ programs, and so I will support the motion, primarily
39 just because it's something new, and we ought to give it a shot.

40
41 If this is an ad hoc committee, I guess, and we have no formal
42 name for it, but ad hoc committees -- We can create them, and we
43 can disband them with a motion, and so, if they're not
44 addressing it, and they're having issues too, and they can't
45 kind of knock out some of these issues or come to any consensus
46 after some period of time, we can always come back to the
47 council, and we can vote to disband the group, and so thank you.

48

1 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Anson. I think we'll go
2 ahead and bring this up for a vote. **All those in favor of the**
3 **motion, raise your hand; all those online in favor, two more;**
4 **all those opposed, three opposed. Thirteen for, three opposed,**
5 **one abstention. The motion passes.** Ms. Guyas.

6
7 **MS. GUYAS:** Thank you. Staff intends to update the document and
8 bring a revised public hearing draft back to the council at a
9 future meeting.

10
11 Discussion: Draft Snapper Grouper Amendment 44 and Reef Fish
12 Amendment 55: Modifications to Southeastern --

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Sorry. I hate to stop us, but just
15 I wasn't completely clear, and I heard a couple of different
16 things when we were discussing the motion regarding 36B. We
17 would set this aside, and we would work on the focus group, and
18 then we would come back to 36B, and was that the intent?

19
20 **MR. GILL:** Yes, ma'am.

21
22 **CHAIRMAN FRAZER:** Ms. Guyas, sorry for the interruptions. Mr.
23 Williamson.

24
25 **MR. WILLIAMSON:** Is the council going to be able to have input
26 as to the issues that the focus group will be discussing?

27
28 **CHAIRMAN FRAZER:** I don't want to get inside of Mr. Gill's head,
29 but what I would say, Troy, is this, that I think, if you have
30 an idea that needs to be conveyed, then the structure of the
31 individuals that are appointing folks and moving the process
32 forward -- They're an open channel of communication, and I would
33 communicate that to folks, and I would say, anything you think
34 you should be considered, feel free to convey it to the council,
35 and it will be included in the discussion.

36
37 **MR. WILLIAMSON:** Well, I mean, the motion, and I apologize for
38 not having my input before we voted on it, but the motion is
39 extremely broad, in terms of what is fair and equitable, and let
40 me just read a statement from NOAA's catch share policy here.

41
42 Councils must evaluate whether the benefits over time of
43 improved economic performance and stock rebuilding should accrue
44 to the initial recipients of catch shares or whether royalty
45 payments could be adopted to capture some of the value for the
46 public.

47
48 I have a hard time -- We never discuss this, the benefit to the

1 public, and we talk about what's the problems with the IFQ
2 program, and then you hear public comment that there's nothing
3 wrong with the IFQ program, and it's working just fine, and,
4 well, why is it working just fine? It's working just fine
5 because a few folks have a public resource that they are --
6 There are a lot of good things that have come from the catch
7 shares, but one of the things is that there's no benefit going
8 back to the public in the form of these payments, and the
9 payments are designated in the Act to go back to scientific
10 research and running assessments and doing things for the
11 program.

12
13 In addition, this idea of ownership in perpetuity of a public
14 resource -- We voted today to have three years from the date of
15 a probate proceeding for someone to get a permit to retain the
16 shares. When the shareholder passes away, these shares should
17 be reclaimed and something else done with them, and, you know, I
18 could go on and on, but my point is I have a difficult time
19 seeing this focus group discussing some of these issues when we
20 never discussed them at the council.

21
22 **CHAIRMAN FRAZER:** So, again, thank you for those comments, and I
23 am not going to make any -- I am not going to prognosticate on
24 what the group might come up with, or what they might entertain,
25 but I do feel that this is not a short-term process, and we've
26 been wrestling with this for quite a long time, Troy, and I
27 think it's an effort to try to move things along.

28
29 As I said in committee the other day, I think it's important to
30 look at the original goals of an IFQ program, and I think people
31 need to not only consider those goals, and have the goals
32 changed, and have those goals been achieved, and what were those
33 impacts of the IFQ, not only on the fishery, but all of the
34 stakeholders, if there were unintended negative impacts on any
35 user group or stakeholder, including the resource, and what do
36 you need to do to rectify those in order to prosecute a fishery
37 that's in the best interest of the nation, according to the
38 Magnuson Act.

39
40 We're not doing a very good job of getting there right now, and
41 so this is just simply an effort to move the ball forward, and,
42 as has been pointed out in this committee, we can certainly
43 disband this group at any time if we don't think that they're
44 adding value.

45
46 We will have the benefit, in the October meeting, of listening
47 to the findings from the National Academy panel that weighed-in
48 on this issue more generally, not specifically on the snapper or

1 the grouper-tilefish IFQ, and I don't think we necessarily need
2 to convene this workshop, or this working group, prior to
3 hearing what that panel might have found, and so I get what
4 you're saying, and I do think we need to consider things very
5 broadly. What I don't want to have happen here today is to have
6 a discussion that devolves into what your values system looks
7 like. Okay? Thank you. Ms. Guyas. Ms. Bosarge.

8
9 **MS. BOSARGE:** Thank you, Mr. Chairman. I just wanted to confirm
10 that 36B would be brought back to the council in October, since
11 we do have preferreds on all of those.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** No, Ms. Bosarge. We just passed a
14 motion for the focus group, and we're going to work on getting
15 them together and look at the National Academy of Sciences study
16 and put 36B aside for a while, is my understanding.

17
18 **MS. BOSARGE:** Okay. Will you pull Bob's motion back up on the
19 board, just for a second? I need to see Number 1.
20 Specifically, address minimizing discards for fairness and
21 equity and new entrants. I think all those are premised on the
22 idea of getting the fish into the hands of the fishermen that
23 need it. The fish come from NMFS, right, and the quota is
24 pushed out by NMFS, and you want to push those out to the right
25 people and what mechanism we'll use to do that, but all of that
26 is premised on the quota going to people that have a permit that
27 can catch the fish, the fishermen, right.

28
29 If that is what -- 36B more closely ties the fish, which is the
30 shareholder piece of it, to the fishermen, which is a man or
31 woman with a permit that can catch them, and so we have been
32 working on this for many, many years, and we have preferreds,
33 and the document has been developed for quite some time now, and
34 I am not saying we have to send it out for public hearings right
35 now, between now and the October meeting, but I don't want to
36 wait until next year to see it again, because it has been pushed
37 off so many times and put down on the priority list, because we
38 have so many pressing recreational issues in front of us.

39
40 I don't want to miss the opportunity to continue to move forward
41 with something that I see as a basic tenet of anything you do
42 with those items in Number 1.

43
44 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Dr. Lassetter.

45
46 **DR. LASSETER:** Thank you, Mr. Chairman. I would agree, in that
47 we've been working on this for so long, but, given that your
48 Preferred Alternative 5 wouldn't actually even start this until

1 it's implemented, which is going to be -- We did go through
2 public hearings now, and, basically, I feel like, the way you're
3 indicating the direction of this, it's not that you think that
4 it has to happen with any immediacy, because your preferred
5 alternative says we're going to let everybody be grandfathered
6 in until some date, whenever this is implemented in the future,
7 and so I think, if that's the direction the council is going, it
8 does sound like more information contributing to this process
9 could be helpful.

10
11 **CHAIRMAN FRAZER:** Okay. Thank you. I would like to move the
12 discussion forward, or at least the committee report forward, at
13 this point. Ms. Guyas.

14
15 **MS. GUYAS:** Thank you. Yellowtail snapper, council staff
16 briefed the committee on the joint document that will be
17 developed between the Gulf and South Atlantic Councils to
18 address modifications to management measures for the
19 southeastern U.S. yellowtail snapper stock in response to the
20 results of the SEDAR 64 stock assessment.

21
22 SEDAR 64 found yellowtail snapper to be healthy. However, the
23 model estimated the stock to be smaller than previously thought.
24 Because the councils share management of the stock, a joint
25 document to amend both the Snapper Grouper Fishery Management
26 Plan for the South Atlantic Council and the Reef Fish FMP for
27 the Gulf Council will expedite the development of management
28 alternatives. The committee will first review proposed options
29 at the council's October 2021 meeting in Orange Beach, Alabama.

30
31 Presentation on Sector Separation for Four Reef Fish Species,
32 staff gave a presentation on sector separation for four reef
33 fish species (red grouper, gag, greater amberjack, and gray
34 triggerfish).

35
36 Sector separation, as previously defined in Reef Fish Amendment
37 40, entails the partition of the recreational sector into a
38 federal for-hire component and a private angling component. For
39 each species, staff discussed landings and effort trends and
40 provided averages for various time intervals.

41
42 Management actions that could be considered if the council
43 elects to develop a sector separation amendment were presented.
44 Potential actions would include the establishment of separate
45 federal for-hire and private angling components for some or all
46 the species considered, the apportionment of resources between
47 the components, and separate accountability measures.

1 The committee noted that public testimony could highlight
2 benefits expected from sector separation and contribute to the
3 purpose and need for action. Committee members also noted that
4 public comments would help determine the species most suitable
5 for sector separation.

6
7 Other Business, SEDAR 74 Stock Identification Workshop, a
8 committee member discussed the stock identification process for
9 the SEDAR 74 research track assessment of Gulf red snapper. The
10 stock ID workgroup consisted of life history, genetics, landings
11 and effort, and movement subgroups.

12
13 The data analyzed by the stock ID workgroup resulted in a
14 recommendation of a three-area stock structure, divided at the
15 mouth of the Mississippi River and near Cape San Blas in the
16 Florida Panhandle. However, though consensus was recorded, some
17 workgroup members thought that another plausible stock structure
18 could see the stock divided into eastern and western components
19 at the Florida/Alabama state line.

20
21 These workgroup members have since encouraged the development of
22 this stock structure, also. However, the data compilation and
23 modeling efforts necessary to create two separate models using
24 separate stock structures was noted by the Southeast Fisheries
25 Science Center as very labor and time intensive. Staff will
26 provide a review of the research track assessment process and
27 the SEDAR schedule during Full Council. Mr. Chair, this
28 concludes my report.

29
30 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Guyas. Heroic
31 effort, yet again. Okay. Mr. Diaz.

32
33 **MR. DIAZ:** Before you leave Reef Fish, I just want to bring up a
34 couple of things from public comments.

35
36 **CHAIRMAN FRAZER:** Okay. Well, you can go ahead right now.
37 We're probably going to have a number of people weighing-in.

38
39 **MR. DIAZ:** Okay. Well, I didn't know this yesterday, and so I
40 guess I have a question for Mr. Strelcheck. There were a couple
41 of fishermen, charter fishermen, that asked if there was a
42 possibility for some additional harvest days later in the year,
43 and I just wanted to see if I can get some input from Mr.
44 Strelcheck about that topic.

45
46 **MR. STRELCHECK:** Thanks, Dale. I know, yesterday, there was
47 some mention of that and suggestion about weekends versus
48 weekdays and authority, and we do have authority, as an agency,

1 to reopen red snapper if the quota has not been caught. Right
2 now, we would have headboat landings through probably as much as
3 August, and we have for-hire charter landings through Wave 3.

4
5 We'll take a look at that, and, based on the information, as
6 well as some historical patterns in catch for the information we
7 don't have, determine whether or not the fishery could be
8 reopened. If we do reopen it, it would be reopened for
9 continuous days, and so we would be interested, certainly, in
10 some feedback from the council if there's any sort of preference
11 with regard to timing to reopen.

12
13 **CHAIRMAN FRAZER:** Mr. Diaz.

14
15 **MR. DIAZ:** Thank you for looking into that, Mr. Strelcheck, and
16 I appreciate you all being on top of that. The other thing that
17 I just wanted to bring up is a couple of commercial fishermen
18 mentioned triggerfish, that right now, with the current limits
19 we have on them, it's not possible to catch their ACL, and I
20 don't know if we have enough information to do anything other
21 but to explore that, and maybe get a report back, some kind of
22 way, about what we know about the status of where commercial
23 triggerfish harvest is. I guess the issue is -- Is it that we
24 don't have the limit set right, or is it a fish availability
25 thing, or I don't know how we resolve some of those things, but
26 I would like us to keep it on the radar.

27
28 **CHAIRMAN FRAZER:** Ms. Guyas, to that point?

29
30 **MS. GUYAS:** I think we raised the ACL for triggers, based on --
31 You know, fairly recently, and, before that, we've tinkered with
32 the commercial trip limit a couple of times, and I think last
33 time dropped it down a bit, and so I don't know if this is
34 something that we could look at when we go through the reef fish
35 landings at the beginning of the Reef Fish Committee, and really
36 spend a little bit of time on it, maybe next time, but it's just
37 -- I don't know, but dig into where we are with that and what
38 the projection is, at least for the end of this year.

39
40 I mean, whatever we do now, I mean, this year is -- I think it
41 is what it is, but maybe we could get something going for next
42 year, if appropriate, after we look at it a little bit more.

43
44 **MR. DIAZ:** If I could, Tom, I would be fine with that, if the
45 staff could maybe have a little bit of extra information for us
46 whenever we go through those landing reports for triggerfish,
47 and I think that's a great idea. Thank you.

1 **CHAIRMAN FRAZER:** Dr. Stunz.
2
3 **DR. STUNZ:** Well, it's not to that point, and it's to something
4 new, but related to reef fish, and so you can tell me when
5 you're ready for that.
6
7 **CHAIRMAN FRAZER:** Okay. Sit tight for a sec. Ms. Boggs.
8
9 **MS. BOGGS:** Well, mine is to Andy's comments about charter/for-
10 hire and red snapper season, and I do agree with consecutive
11 days, and I have talked to a few of the captains along the Gulf
12 coast, not just our port, but October seems to be a consensus.
13 That way, you're out of the prime height of hurricane season and
14 before you kind of get into the holidays, and so that's my
15 input. Thank you.
16
17 **CHAIRMAN FRAZER:** Thank you, Ms. Boggs. Mr. Diaz, did you have
18 any more on your list? Okay. Dr. Stunz.
19
20 **DR. STUNZ:** Thank you, Mr. Chairman. I know you want to move
21 on, and so, before everyone starts throwing daggers, I do have
22 two, which I hope will be noncontroversial, motions, and so I
23 would like to make those, if you don't mind, Mr. Chairman, and I
24 sent those over, Bernie, to you and your staff. I am mainly
25 interested in Motion 2, if you will entertain that, Mr. Chair.
26
27 **CHAIRMAN FRAZER:** I think that I have no reason not to entertain
28 a motion from a council member.
29
30 **DR. STUNZ:** All right. Then I will make it quick. If it turns
31 out to be controversial, maybe we'll consider withdrawing it.
32 While she's pulling that up, this has to do with the National
33 Academy of Sciences report, and not the catch shares one, but
34 the one related to -- The most recent one. I will go ahead and
35 make the motion, and then I will explain a little more. If I
36 get a second, I will explain my rationale.
37
38 **I move to request a presentation by appropriate representative**
39 **or author, or authors, of the National Academy of Sciences**
40 **report, "Data and Management Strategies". It was longer than**
41 **that, and I couldn't remember what it was, but everyone should**
42 **know what I am referring to there. To provide the Gulf Council**
43 **with implications of this report for MRIP and state data**
44 **collection systems to address our management challenges and**
45 **explore the recommended management strategies.**
46
47 **CHAIRMAN FRAZER:** Okay. Is there a second to that motion?
48

1 **MR. WILLIAMSON:** Second.

2
3 **CHAIRMAN FRAZER:** It's seconded by Troy Williamson. Is there
4 further discussion? **Any opposition?** Sorry. Ms. Boggs.

5
6 **MS. BOGGS:** I appreciate the motion, Greg, and I'm not really
7 opposed to it, but I hate to limit it just to the MRIP and state
8 data collection. There's a lot of information in there about
9 the LAPP programs, which is exactly what we're dealing with with
10 the commercial fleet, and so I think we just need a presentation
11 to cover all those bases. Thank you.

12
13 **CHAIRMAN FRAZER:** Real quick, there are in fact two different
14 reports, and we've already got scheduled, Ms. Boggs, to have a
15 representative to deal with the LAPP programs in a separate
16 talk. Greg, did you have something else to add at this point?
17 Mr. Gill.

18
19 **MR. GILL:** Thank you, Mr. Chairman. Greg, I guess my question
20 is, is specifying -- Maybe I have this wrong. I was thinking
21 that you were really focusing on getting one of the authors or
22 the chair of that group to give the report, but you're thinking
23 the appropriate representative could be someone outside that
24 group, to provide that downstream look, and, for example, I
25 could see OS&T perhaps being involved, since you're talking
26 about implications on MRIP.

27
28 **DR. STUNZ:** Well, I would leave that up to the Chair and our
29 Executive Director, Mr. Gill. A couple of the authors are our
30 SSC members, who I thought might be appropriate for that, Dr.
31 Powers or Dr. Barbieri, but whoever is most appropriate and most
32 convenient for the council that has the ability to convey that,
33 and I don't have a strong preference of who that is.

34
35 **CHAIRMAN FRAZER:** Okay. Thank you. Dr. Lasseter.

36
37 **DR. LASSETER:** Sorry. My hand is down.

38
39 **CHAIRMAN FRAZER:** Mr. Anson.

40
41 **MR. ANSON:** That section was also something that I had a
42 question about, is "provide the Gulf Council with implications
43 of this report for MRIP and state data collection systems". I
44 mean, I appreciate the motion, Greg, but I'm just wondering --
45 Even if some of our SSC members were part of that report, I just
46 wonder if that's kind of within the context of the presentation
47 to provide a summary of what recommended alternative management
48 strategies were in the report, as to whether or not they should

1 be commenting or providing implications to impacts of that
2 issue, and so that's all.

3
4 I'm just wondering if the presentation and then that discussion
5 involving implications of the report, outcome of the report, to
6 those specific items -- If this is the best mechanism for that,
7 and that's all.

8
9 **DR. STUNZ:** Well, that's a good point, Kevin. If I can modify
10 that to -- I am not trying to cause any controversy here, and
11 that was a dense report, and I haven't fully read it and
12 comprehended it yet, and, even if I did, I think we could use
13 the presentation by the appropriate person that explains that to
14 us, so we can have more discussion, because I think there's a
15 lot of pertinent information that will help us out with your
16 earlier motion, in particular, and others, and, whoever that is
17 -- I'm not trying to be controversial, but I am just trying to
18 inform the council of the details in this report.

19
20 **CHAIRMAN FRAZER:** Thank you. Ms. Guyas.

21
22 **MS. GUYAS:** Luiz Barbieri was the chair of the group that
23 authored this report, and I have talked with him about the
24 report, and they are planning a road show, to go to all the
25 different councils, and so I think that would be included with
26 that. Ryan and I have also been talking with him about the --
27 We have our Modern Fish Act recreational -- Whatever that team,
28 group, is called with the South Atlantic Council, and also
29 having that group receive this report, in conjunction with the
30 South Atlantic's meeting, if we meet with them, and so I think
31 there's going to be a lot of good discussions about this report
32 coming up at our meetings, and so it's on the agenda, I think,
33 and in the works, is kind of what I'm saying here.

34
35 **CHAIRMAN FRAZER:** The intention, Greg, obviously, is just to be
36 in contact with the National Academy and determine what their
37 intent is, moving forward. If they already have the intention
38 of visiting each of the regional management councils, we'll just
39 make sure that we're on the schedule, right, and so you might --
40 I would suggest, perhaps, that you just modify the motion to
41 request a presentation by an appropriate representative or
42 authors of the National Academy of Sciences report, with the
43 title of the report, to the Gulf Council, and just end it, hard
44 stop, there.

45
46 **DR. STUNZ:** No problem, and so if we just modify it to reflect
47 that, please. What our chairman is recommending is --

48

1 **CHAIRMAN FRAZER:** Just put a period after "Gulf Council" and get
2 rid of everything else. Who was the seconder for that? I can't
3 recall. Troy, are you good with that?
4
5 **MR. WILLIAMSON:** Yes.
6
7 **CHAIRMAN FRAZER:** Excellent. Thank you. Any opposition to the
8 motion? Mr. Gill.
9
10 **MR. GILL:** That doesn't read correctly, Mr. Chairman.
11
12 **CHAIRMAN FRAZER:** To request a presentation by an appropriate
13 representative or authors of the --
14
15 **DR. STUNZ:** To the Gulf Council.
16
17 **CHAIRMAN FRAZER:** To request a presentation -- I guess the --
18 It's late, but I am saying the intent is clearly there, right?
19 We want a representative from the National Academy or authors
20 who contributed to that report to share with us --
21
22 **DR. STUNZ:** As it reads right now.
23
24 **CHAIRMAN FRAZER:** All right, Greg. Have you got one more?
25
26 **DR. STUNZ:** One more. Bernie, Motion 1, please. While she is
27 pulling that up, we had a lot of discussion of National Standard
28 6, and there probably is some options there for us to consider
29 when we have situations which may not conform exactly to other
30 components of the MSA, and so, if you would pull that up, what I
31 am basically requesting is a formal interpretation, or guidance,
32 of the National Standard 6. Again, if it's not perfect, and
33 others see ways we can clean this up, we can easily do that.
34
35 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, the previous motion carried
36 unanimously.
37
38 **DR. STUNZ:** Sorry. Did we not --
39
40 **CHAIRMAN FRAZER:** That's okay. There was no opposition to the
41 last motion.
42
43 **DR. STUNZ:** Okay. If you're ready for me, I will read that in,
44 Mr. Chairman, when you're ready.
45
46 **CHAIRMAN FRAZER:** Go ahead and read your new motion.
47
48 **DR. STUNZ:** Okay. I move to have a written interpretation from

1 NOAA General Counsel regarding the use of National Standard 6,
2 Variations and Contingencies, and when it is appropriate to use
3 alternative management measures as they relate to issues in the
4 Gulf of Mexico, and, in particular, state-based management
5 programs and short-season management.

6
7 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Is there a second to
8 that motion? It's seconded by Mr. Anson. Any further
9 discussion of the motion? Ms. Levy.

10
11 **MS. LEVY:** I mean, my only comment is, if your question is, can
12 you use National Standard 6 to justify taking action that's
13 inconsistent with some other part of the Magnuson Act, that
14 doesn't ask it. Like, that's just saying when is it appropriate
15 to use alternative management measures, and you're not going to
16 get an answer to that that I think is going to say anything
17 other than the council is free to use whatever management
18 measures they want as long as they're consistent with the
19 Magnuson Act. I guess what I'm saying is, if the point of your
20 question is what I heard, then I don't think that's going to get
21 you an answer to that question.

22
23 **CHAIRMAN FRAZER:** Dr. Stunz.

24
25 **DR. STUNZ:** Well, what you would suggest, Mara? For example, in
26 the discussion we had earlier, I believe it was Kevin that
27 brought up how does National Standard 6 apply here, and the way
28 he read it, and the way many of us around this table interpreted
29 that, is that there is options within that National Standard for
30 alternatives to what we currently have that could meet some of
31 the issues that we're facing in this particular situation, and
32 what I heard is -- What I keep hearing is that, I don't know,
33 and we just don't get anywhere with that.

34
35 What I am trying to do here is trying to get some clarification
36 of why can't we use National Standard 6 and some of the
37 alternatives that might be there to try to solve some of our
38 problems that we keep sort of running into and facing here.

39
40 **MS. LEVY:** I'm not sure I can really help you with that,
41 because, to me, a basic legal principle is that you read parts
42 of the statute together, such that you comply with the entire
43 statute, meaning I would never advocate, as a lawyer, to
44 anybody, that one part of the statute means that you can
45 disregard other parts of the statute. Like that's just not a
46 legal principle that I feel is an appropriate legal principle.

47
48 I mean, you can certainly ask whatever question you want, but,

1 when I read this, I read the answer, to me at least, if I were
2 to be answering it, is you can use whatever appropriate
3 alternative management measures you want, as long as they comply
4 with the Act, and National Standard 6 does not allow you to
5 disregard other provisions of the Act in order to do that.

6
7 I certainly don't want to tell you what to ask or whether you
8 should ask this or not, but I am just kind of thinking that you
9 might not get the answer that you're really looking for, or
10 you're not going to get the answer to the question you're really
11 trying to ask, I guess, but certainly the council can ask
12 whatever you feel is going to be helpful.

13
14 **CHAIRMAN FRAZER:** Dr. Stunz.

15
16 **DR. STUNZ:** I am still asking it, Mr. Chairman. If we vote it
17 down, we vote it down, but my point is that National Standard 6
18 is in there, and then you hear, well, but you can't use it,
19 because it's violating whatever, National Standard 1 or whatever
20 we're discussing, and I'm just trying to get some guidance.

21
22 It seems to me that there are some provisions written in that
23 act, when we run into circumstances that are outside of our
24 normal management practice, which is exactly where we're at with
25 some of this calibration and other things, and there are some
26 options we have, and we have some variability, or variations and
27 contingencies, that we could rely on in the Act, and I am
28 trying to get some clarity of, well, when we can we use those,
29 and when is it appropriate to use those, and that's where I am
30 trying to get there.

31
32 Now, I'm not a lawyer, and I don't know what that will come back
33 with, but I am essentially just trying to see what options we
34 have here to move the ball forward, when it seems like we keep
35 running into problems in our other avenues that we go down.

36
37 **CHAIRMAN FRAZER:** All right. Quickly, Ms. Levy.

38
39 **MS. LEVY:** Right. I guess I just -- I don't want it to be
40 interpreted as I'm saying you can't use National Standard 6.
41 That's not what I am saying at all. I am saying that, when I
42 read National Standard 6, and the guidelines that are already
43 out there from NMFS that say what National Standard 6 is meant
44 to do, and how to use it, it's that your management regime, as a
45 whole, should account for variations and contingencies, and you
46 should set up processes in your management regime to respond to
47 those things, and part of my comment is the things that are
48 suggested in the guidelines are some of the things that you have

1 already done, like setting up frameworks and allowing NMFS to
2 close when the catch limit is reached.

3
4 That's all things that are meant to deal with variations or
5 contingencies, and that's not to say that there aren't other
6 things that you could do, and my only comment was that I do not
7 think that National Standard 6 can be read in such a way to say
8 that you can disregard the other National Standards or the other
9 applicable provisions of the Act, and that's all I was saying.

10
11 **CHAIRMAN FRAZER:** Mr. Gill.

12
13 **MR. GILL:** Thank you, Mr. Chairman. The motion should be
14 corrected to reflect that, in this case, "council" is "counsel"
15 and not "council".

16
17 **CHAIRMAN FRAZER:** Excellent, Bob. Good catch for late on a
18 Thursday afternoon. All right. Mr. Strelcheck.

19
20 **MR. STRELCHECK:** Well, getting back to, I guess, Mara's point
21 here, I am not sure what General Counsel is going to provide
22 that Mara didn't already just provide you, and so I guess my
23 question to Greg would be do you want to ask, more specifically,
24 the discussion that we had in committee about National Standard
25 6 and essentially why you cannot use National Standard 6 in this
26 instance for calibration?

27
28 **DR. STUNZ:** If, Andy, you think that helps, that's fine, because
29 that's really where I'm going with this. If we need to pinpoint
30 down why, in this case, can we not use National Standard 6 in
31 that scenario, that's what I would like to know. Now, I think
32 it would be useful to the council, because there may be other
33 things that come up in the future, and this kind of gives us
34 some alternative measures that we potentially could use, and so
35 it may be broader, but, in this case, that's what I am referring
36 to.

37
38 **CHAIRMAN FRAZER:** Okay. I think we probably understand where
39 you're trying to go with this, and I think there is never a real
40 problem with seeking clarification about what the standard is
41 intended to do, in the context of the Act more generally, and
42 that's Mara's point. A lot of us are scientists here, and we
43 got Mara's opinion, and I appreciate that, and so we'll go ahead
44 and get a little more data, and so we can go ahead and do this,
45 in my view, but we'll go ahead and vote on it. **Is there anybody**
46 **opposed to this motion? One in opposition, two, excuse me. Two**
47 **in opposition. The motion carries.** Greg, do you have any more?

48

1 **DR. STUNZ:** I am done, Mr. Chair.

2
3 **CHAIRMAN FRAZER:** Mr. Anson.

4
5 **MR. ANSON:** It was provided in the report that we would bring
6 back to Full Council further discussion on the stock ID report.

7
8 **CHAIRMAN FRAZER:** That's correct, and so this will be hopefully
9 one of the last issues under Reef Fish. There's two things that
10 I think that are important, and I have invited both Ryan and
11 Clay to weigh-in on this. One is the SEDAR process itself, and
12 the second one is having to do with how the SEDAR process
13 informs the assessment process, and, in particular, the research
14 track assessment and what that entails, and, ultimately, what is
15 the full scope of a research kind of assessment track, and so I
16 think I will let Ryan go first. Do you want Clay to go first?
17 Okay. Clay, do you want to go first?

18
19 **DR. PORCH:** Sure. I am not sure exactly what questions are
20 being asked here, but just to give a general review. As part of
21 the research track, which I will start off by saying is not
22 completely open-ended, and it's flexible, so that we can turn
23 over as many stones as we possibly can, but, of course, we can't
24 turn over every stone. In other words, you can't investigate
25 thoroughly every single thing you could possibly ever imagine,
26 or the process would continue forever, and so there needs to be
27 an endpoint, and so we try and be as thorough as we can to
28 address all the issues that we think will have a major influence
29 on the stock assessment.

30
31 One of the things we do is have a stock ID workshop. Sometimes
32 there is a standalone stock ID workshop that focuses on multiple
33 species, and sometimes we have one as part of the research
34 track, and that's the case here for red snapper. Red snapper
35 was special enough that we just needed a group that focused
36 entirely on that.

37
38 As Mr. Anson mentioned, the group looked at all sorts of lines
39 of evidence, trying to figure out what is the most appropriate
40 stock structure for red snapper to carry on in the assessment,
41 and they looked at information that Dr. Stunz had mentioned, but
42 they also looked at other information that has more direct
43 implications for stock structure, like genetics and larval
44 distributions and such.

45
46 They ended up coming up with a consensus recommendation for a
47 three-area model, and remember the previous assessment model was
48 a two-area model with a break at the Mississippi-Louisiana, or

1 the Mississippi River, and, this time, they have that as well as
2 a break near Cape San Blas, and so that was the consensus
3 recommendation.

4
5 There were some dissenting opinions, and so Mr. Anson is right
6 that it wasn't a perfect consensus, and some of those folks
7 would like to see us run a second model in parallel with the
8 three-stock model, and so the issues there are a couple.

9
10 One is workload, as was mentioned, in that, if you look at a
11 different stock structure, say two, or in this case potentially
12 three stock structures, then you're actually doubling, or
13 tripling, the workload, because all the data developments that
14 you have to make to match up with certain stock structures
15 you're repeating every time you have a stock structure.

16
17 Red snapper is already probably the most, or one of the most,
18 complicated assessments in the country, in sheer number of
19 pieces of information, and so to ask the group to look at and
20 thoroughly examine multiple stock structures, in terms of the
21 modeling framework, is basically to essentially take the place
22 of probably full research track stock assessments for any two
23 other species.

24
25 If we were to do that, we would have to consider taking some
26 species off the ticket for the next couple of years, and so that
27 would be problematic, because certainly some of the other
28 species are behind in stock assessments, but the bigger issue is
29 not that.

30
31 That is an issue, and it's an issue for us, in that we don't
32 have infinite staff to do the work, but the broader issue is
33 process, and so the terms of reference were very clear to pick
34 an optimal stock structure, and they did that, and the terms of
35 reference were not to have multiple candidate models. If they
36 had been, then the conversations might have gone a little bit
37 differently, and the suggestion that we need to further explore
38 different stock structures, by going ahead and populating the
39 model and incorporating data and then seeing the results, is not
40 really appropriate in this context, and the reason why is that
41 you don't have a basis for comparing the models.

42
43 If the stock assessment group wanted to do that, then they would
44 have to come up with some sort of weighting criteria to say this
45 stock structure is X times more likely than that stock
46 structure, and that's a different conversation. You can't look
47 at the model output and judge which ones that -- They are
48 technical ways you could do that in some context, or information

1 criteria and others, but it wouldn't apply in terms of using
2 multiple stock structures, because the way the data is treated
3 is going to be a little bit different with each one, and so,
4 technically, you can't make that comparison.

5
6 That basically leaves us with looking at the output of the model
7 and then deciding which one we want to go forward with, and so
8 it's basically saying you like the results of one model better
9 than another, and that's not an appropriate way to do stock
10 assessments.

11
12 If we were going to move forward with the approach that's been
13 suggested, it would require a fundamental change in process, and
14 we would need to ask the stock ID workshop to not only come up
15 with alternative stock structures, but they need to weight the
16 plausibility of those stock structures, and then you could
17 pursue, perhaps, some sort of model averaging approach.

18
19 Then, once you change the process to that, you now have to
20 acknowledge the issue that you just massively multiplied the
21 workload, and, currently, we don't have the staff to do that and
22 support other stock assessments, and so that's basically the
23 state of play, and I don't know if Ryan wants to add anything,
24 regarding the process, to what I have said.

25
26 **CHAIRMAN FRAZER:** Mr. Rindone.

27
28 **MR. RINDONE:** Not specific to the process, but just to
29 generalize it to the council, that a research track is a multi-
30 step involved process, and, for red snapper, this involves,
31 quite accurately, hundreds of people across the Gulf of Mexico
32 from state and federal and academic institutions, not to mention
33 all the fishermen that contribute to the process, and so any
34 movement, delay, redirection, et cetera, has kind of a ripple
35 effect throughout all of that.

36
37 Insofar as it relates to the stock ID process, we're going to
38 have to reconvene that particular workgroup anyway, to
39 reevaluate some of the things that are in the stock ID report,
40 and so the issue of the degree of consensus will be revisited at
41 that. Insofar as it relates to the actual schedule for the
42 research track, in all likelihood, the data workshop that's
43 presently planned for November 1 through 5, barring a miracle, I
44 would expect that to have to be pushed back.

45
46 To those that are listening that are data providers, I would
47 encourage you to please continue as you've been directed at this
48 point, in terms of being able to provide your landings, like

1 your catch and your effort information and life history, et
2 cetera, to make sure that we can endure as little disruption to
3 the process as a whole as possible.

4
5 **CHAIRMAN FRAZER:** Mr. Anson.

6
7 **MR. ANSON:** I will be brief. I am cognizant of where we are in
8 the day and the agenda, and I do appreciate the detailed
9 response that Dr. Porch has provided, as far as the process and
10 everything and the implications that the stock ID group has
11 relative to the workload and the outputs and those types of
12 things.

13
14 I just want to hit upon just one of the comments relative to the
15 idea that, if you do a model, the output is not necessarily the
16 best science, I guess, and I am trying to just recapture your
17 words, Dr. Porch, and so please correct me if I'm wrong, but the
18 assessment is for -- As we heard from the Commissioner of the
19 Department of Conservation for Alabama, the assessment really is
20 for management, and so, with red snapper, it's an unusual
21 species, in that we've got the most complex management for that
22 species, and so seeing that the research track assessment just
23 kicked off, just thinking of a way that we can kind of maximize
24 that process and that opportunity to try to get it back to
25 management needs and fulfilling the needs as completely as
26 possible.

27
28 I do realize that there are lots of people. As Ryan said,
29 hundreds of people, and there are hundreds of people that are
30 involved with the data collection, and then there's dozens of
31 people involved with the analysis, and so I don't want to stop
32 that process, and I don't want to gum it up any more, outside of
33 what we do here at the council, but just -- It was just
34 something that struck me, and it might be something that we just
35 think about, I guess, in terms of that, and trying to make sure
36 that the assessment does match up with management needs, as much
37 as possible, and just making sure that, as we go through an
38 iteration of this, and this will be the first research track
39 assessment, and that people have that in mind.

40
41 There was a comment made specific to a con for not using one of
42 the options that kind of sliced out Mississippi and Alabama, and
43 that was that one of the datasets that would have to be tweaked,
44 whereby you would have to kind of assume a ratio of catch, and
45 this is in the headboat data, over a fairly lengthy time series
46 within the overall time series of the headboat series, and there
47 was a comment from one of the participants in the workshop that
48 we just -- That it would be potentially better if we weren't in

1 a position that we're using the data, and how the data was
2 collected, as an excuse not necessarily to go ahead and move
3 forward on some different ways of looking at the data.

4
5 That is all, and it was, again, just something that caught my
6 attention, and I did participate in the discussions, and I just
7 thought it was -- Again, with the timing of the research track
8 assessment, the way it is and the first time, that it was
9 something to bring to the attention of the council. Thank you.

10
11 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Anson. Is there any
12 further -- Dr. Porch.

13
14 **DR. PORCH:** Thank you. I just wanted to say that we certainly
15 will consider the needs of state management as we're developing
16 the management advice. The problem that the stock ID workshop
17 faces is that the fish don't respect state boundaries, and so
18 they're trying to look at what's a unit stock, a self-
19 replenishing unit, and get as close as they can to find a group
20 of fish that you can take into account separately.

21
22 Granted, there is always some larval interchange, and there are
23 some fish that swim across any boundary we make, and so it's
24 impossible to do it perfectly, and so they try and do the best
25 that they can, but, as we do now, and hopefully even better, we
26 want to take those results from the stock assessment and
27 translate it in a way that's useful for state managers.

28
29 **CHAIRMAN FRAZER:** Okey-doke. Any other further -- Leann.

30
31 **MS. BOSARGE:** I just wanted to throw one thing out here, because
32 I did attend the meeting, the data workshop, for the last red
33 snapper stock assessment, and I think maybe some of this is
34 coming from some of the things they saw then, and I want to make
35 sure that, first and foremost, we make sure the science is as
36 strong as possible before we maybe make changes that make the
37 management easier.

38
39 With that last stock assessment for red snapper, there were some
40 let's say conflicting trends in some of the fishery-independent
41 data indexes, and, because it's -- Those were mainly in the
42 assessment side that dealt with the eastern Gulf, and there were
43 some trends pointing in one direction in the northern Gulf, on
44 the eastern side northern Gulf, and there were some trends that
45 were more for the peninsula of Florida that were pointing in
46 different directions, but, because it was a two-region model,
47 east and west Gulf, the model was kind of forced to pick which
48 one of those trends to follow, right, which to make the

1 strongest trend and pick that.

2
3 If those two are in conflict, if one is kind of negative and one
4 is positive, well, that's kind of a rough thing to deal with,
5 and so I am assuming that some of this idea for this three-area
6 structure, stock structure, kind of goes back, harkens back, to
7 some of that, and what I wouldn't want to see us do is, if those
8 indices and that data and the landings and effort, that coincide
9 with some of that, are truly for a northern Gulf region that is
10 from the Mississippi River to Cape San Blas, which includes the
11 Panhandle of Florida, for the most part, then that's where it
12 should be.

13
14 Otherwise, if you cut it off before Cape San Blas, and you go
15 closer to the Alabama-Florida line, and some of those trends
16 then are going to get stuck over there, again, in the piece of
17 the model that's looking at the far eastern Gulf, the peninsula
18 of Florida, and the Panhandle, which may have conflicting
19 trends, and then you don't get the best science, because then
20 you're back into the same predicament, where the model is trying
21 to pick which one to run with.

22
23 I just want to make sure that we're cognizant of that, and that,
24 first and foremost, we draw these lines, where it will give us
25 the best representation of the stock and the science and where
26 the stock is at and what direction it's headed in those areas,
27 and so we'll just have to figure out how to deal with it on the
28 management side, right?

29
30 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Is there any other
31 business to come before the committee, as it relates to reef
32 fish? Seeing none, we will move on. I would take a break, and,
33 in fact, I will take a five-minute, but we have a hard stop at
34 4:00 here. We'll take a five-minute break.

35
36 (Whereupon, a brief recess was taken.)

37
38 **REPORT ON CLOSED SESSION**

39
40 **CHAIRMAN FRAZER:** All right, and so it looks like we've got
41 everybody back, and we've got a few remaining items before we
42 close out the day. I would like to report on the closed session
43 recommendations that we have.

44
45 As folks recall, we had a meeting to think about how to populate
46 our Special Shrimp and Special Coral SSC, and so we appointed
47 three members to each of those. With regard to the Special
48 Shrimp SSC, that would be Jason Saucier, William Peyton Cagle,

1 and Donald Behringer. The three individuals appointed to the
2 Special Coral SSC were Andrew Shantz, Paul Sammarco, and Sandra
3 Brooke. At this time, the council has elected not to populate
4 the Mackerel Special SSC.

5
6 Moving forward, with regard to the liaison reports, we will
7 start off with the South Atlantic Council liaison report and Ms.
8 Marhefka, the floor is yours.

9
10 **SUPPORTING AGENCIES UPDATES**
11 **SOUTH ATLANTIC COUNCIL LIAISON**
12

13 **MS. KERRY MARHEFKA:** Thank you, Mr. Chairman, and I appreciate
14 you all having me here this week and the hospitality that I have
15 received. I am going to be brief, and I am happy to fill in if
16 you have any questions, but I just know that we're at the end of
17 the meeting.

18
19 We met virtually in June, and we're crossing our fingers and
20 hoping to meet in-person in Charleston the second week of
21 September. On our agenda will be a very lengthy Snapper Grouper
22 Committee meeting, where we will be dealing with amendments for
23 gag, red porgy, greater amberjack, snowy grouper, of course the
24 yellowtail that we're working on jointly, and we have our own
25 red snapper issues. I can imagine what we would all do with our
26 time if there was no fish known as red snapper.

27
28 We have to modernize our wreckfish ITQ, and so that is all being
29 handled under Snapper Grouper. As you know, we are going to be
30 looking at Amendment 32, again, and approving it for public
31 hearings, as well as Amendment 34, which is dealing with the
32 Atlantic king mackerel.

33
34 At our September meeting, we approved our Dolphin Wahoo
35 Amendment 10 for secretarial approval, which is updated ABC
36 numbers and ACLs and accountability measures, and we have
37 removed our operator card for that. It's one of the only
38 commercial industries that we had an operator card for, as well
39 as some bag limit reductions, and, finally, at our September
40 meeting, during our Habitat meeting, we will be dealing with
41 taking final action on a rock shrimp fishery access area, which
42 is a part of the Oculina Bank Habitat Area of Particular
43 Concern.

44
45 The boundary wasn't necessarily put in the right place, and
46 there is some boundary area that has not been known to have the
47 Oculina coral, but was a traditional rock shrimp fishery area,
48 and, for years, industry has been working with both NMFS and the

1 council to move that line, the buffer line, and allow them
2 access to their traditional grounds.

3
4 In the ensuing years, we've had lots of comments from scientists
5 on our Habitat AP worried about the sediment, and it's not so
6 much the concerns dragging over the hard coral, because we know
7 that wouldn't be productive for them, but the sediment that may
8 arise, and then the current takes the sediment, and it lands and
9 distributes on the oculina, and what effect that has on the
10 oculina, and so that will be a hard decision that we'll have to
11 make in September. Those are the big issues we're dealing with,
12 and, again, I'm happy to elaborate, if anyone has any more
13 questions.

14
15 **CHAIRMAN FRAZER:** Thank you, Kerry. I appreciate you coming,
16 and we always enjoy having a liaison, a representative, from the
17 South Atlantic come here, and I hope that next time that you
18 come that we're not affected as much by a pandemic, and we can
19 have a little more socialization, but I do appreciate you
20 sending four days with us. Any questions for Kerry, before we
21 move on? Ms. Bosarge.

22
23 **MS. BOSARGE:** I am just wondering what the South Atlantic's
24 preferred was on that habitat document for trying to open back
25 up those historical rock shrimp grounds that were closed for
26 coral that now have been shown not to have coral, and then a
27 quick follow-up.

28
29 **CHAIRMAN FRAZER:** Kerry.

30
31 **MS. MARHEFKA:** I am almost positive, at our last meeting, we
32 chose not to choose a preferred, but I have got to go back and
33 double-check.

34
35 **MS. BOSARGE:** Okay. That's fine, and you can get back with us
36 later. I put some comments on the record, and I think Chester
37 Brewer was your representative at our last Gulf Council meeting,
38 and I do want to make sure that those comments get carried back
39 and relayed to the South Atlantic Council.

40
41 I mean, not only am I a member of the Gulf Council, but that's
42 also our fishery, and so we participate, and we own permits for
43 the rock shrimp fishery in the South Atlantic, and, not only
44 that, but I was in attendance at the meeting when the South
45 Atlantic closed it, even though the fishermen said there's no
46 coral here, and so I just want to make sure those comments get
47 back, on behalf of the shrimp fishery, to your council, from the
48 Gulf Council. Thanks.

1
2 **MS. MARHEFKA:** Thank you so much, and I wanted to let you know
3 that, one, I was wrong. Currently, in the document, the
4 preferred alternative is to open it up to the shrimp -- Open up
5 the shrimp access area, and I also wanted to let you know that,
6 in our briefing book -- In between meetings, we have been
7 provided with minutes from that meeting that you were at in
8 2014, where this came up, and so the intention is that all of
9 the council members that weren't there when this came up seven
10 years ago would have the full history of when it was discovered
11 that there was an area that was closed that wasn't intentional.

12
13 I do believe that it's on record, and I certainly have noted
14 what you've said here, and I think that we're doing our best to
15 get the full picture of the entire situation going back all
16 those years.

17
18 **MS. BOSARGE:** Beautiful. Thank you so much. I am impressed
19 that you all pulled the minutes from that meeting. I love it.
20 Thank you.

21
22 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge, and thank you, Kerry,
23 for being able to get that information to Leann pretty quickly.
24 Okay. I am not seeing any other questions at this point, and
25 so, again, thank you, Ms. Marhefka, for that liaison report, and
26 we'll now get an update from the Texas Law Enforcement team and
27 Lieutenant Casterline.

28
29 **TEXAS LAW ENFORCEMENT EFFORTS**

30
31 **LT. LES CASTERLINE:** Good afternoon, everybody and Mr. Chairman
32 and council. Thank you for allowing me to speak today. First
33 of all, I would like to start by saying that it was great seeing
34 our team up there yesterday accepting the Team of the Year
35 Award. I sure appreciate the council recognizing them for their
36 efforts, and I also saw a lot of folks in the room that stopped
37 and visited with them, and I appreciate you all that did that
38 and took time to visit with them after the award, or some were
39 before, but I appreciate you all for that.

40
41 I guess I will start off -- Just kind of one thing I will
42 correct on this is, since the beginning of the week, I'm now
43 going to be the Assistant Commander of Fisheries for Texas Parks
44 and Wildlife Law Enforcement. You all will see me at a lot more
45 of the committee meetings, moving forward from here on out, and
46 I'm looking forward to working with everybody in the room. If
47 there's anything I can do for you, please let me know.

1 What I wanted to do today was just kind of go over just our
2 priorities within Texas, as far as our efforts towards our JEA
3 agreement with NOAA Office of Law Enforcement.

4
5 I will start off with TED enforcement. Of course, TEDs, for
6 years, of course, have been a high priority for us in Texas, and
7 we have seen some great achievements in our state, with very
8 high compliance rates. This year, we had a total of about 919
9 hours of patrol awarded to us in funding from the NOAA Office of
10 Law Enforcement, and that would be broken up between nearshore
11 patrols, midrange patrols, and long-range patrols.

12
13 I think something to note on that is that we conducted at least
14 133 inspections of TEDs, and it's actually TED inspections on
15 103 vessels for TEDs, out of which we only saw seven warnings,
16 eleven citations, and only one case that elevated to the level
17 that it would be referred to OLE for a referral.

18
19 Just looking at those numbers, and I would tell you that those
20 total citations and warnings would not just be TED related.
21 That would be all of the citations and warnings that were
22 encountered for anything during the inspection on those vessels.
23 I would say that the work that we've done in law enforcement,
24 along with the work that's being done by our gear specialists
25 from NOAA, as well as Texas Sea Grant, working with our
26 officers, and also working through outreach with the industry,
27 that we've seen a very high level of observed compliance within
28 our bay systems and in the Gulf, and it's great to see that.

29
30 The game wardens work real hard to enforce it, and the folks
31 doing the training with us do a great job of doing training for
32 officers and for the industry, and we have seen the industry
33 step up, and they have done a great job in maintaining their
34 gear and staying within compliance, and that's been a great
35 thing for us to see in Texas.

36
37 Part of the reef fish enforcement, what we did with this
38 priority actually was to extend the amount of time that we had
39 to enforce, and we took the funding that we received this year,
40 and we actually put it towards overtime, and so these are going
41 to be additional hours that are put into enforcement, above and
42 beyond what we're already doing. We're going to have our
43 officers out there checking reef fish regulations, specifically
44 in federal waters outside of state waters.

45
46 What I will tell you is that, between the 288 hours of midrange
47 and 247 hours on our eighty-foot new long-range vessel, we had a
48 lot of activity in the Gulf, and our officers have worked real

1 hard.

2

3 If you look at overall totals for our referrals, up to when this
4 report was done, we were sitting at about twenty referrals
5 overall for the state to the NOAA Office of Law Enforcement, and
6 about, I believe, eighteen of those twenty were reef-fish
7 related, and so our officers were out there, and they were
8 working hard, and those violations varied.

9

10 It would be bag limits, or it could be closed season violations,
11 and I believe we even had a charter/for-hire permit case that
12 was made in those referrals, and so great job by our officers,
13 and so this would be additional funding that we received to be
14 able to do this and to provide additional hours of patrol, and
15 it has definitely benefitted the State of Texas.

16

17 As far as the coastal migratory pelagics and the highly
18 migratory species, our officers -- We also included this in some
19 overtime patrols, which extended our ability to provide
20 additional hours of patrols throughout the State of Texas. When
21 we start looking at the different patrols where we actually
22 encountered the issues with highly migratory species
23 specifically, and that's the majority of what the cases were.
24 You all can see some of the pictures that we provided, and you
25 can see some of the cases like the lanchas down in south Texas.

26

27 That was a day that we worked with our partners with the U.S.
28 Coast Guard. Within one day, between the U.S. Coast Guard and
29 the Texas Parks and Wildlife, we apprehended and seized four
30 lanchas, two of which game wardens and our folks were involved.
31 Between the two lanchas we were involved in alone, we had over a
32 thousand pounds of sharks on those two lanchas.

33

34 Just looking at some of the other cases, if you look on there,
35 that was actually a case -- I guess those are Atlantic angel
36 sharks, and those were come across on a Gulf shrimp boat. In
37 Texas, those are actually prohibited species, and so that was
38 actually filed in state court, and then just another picture of
39 some of the sharks that we encounter on the longline that we
40 find in the Gulf of Mexico, and I will cover a little bit more
41 of that in another slide later, but, as far as referrals, we
42 have referred two cases for HMS permits this year to the Office
43 of Law Enforcement.

44

45 I do know that I am expecting at least one to two more cases to
46 come in related to the HMS species, dealing with permits and
47 other issues, and we've had good luck working with our partners
48 and going through and getting these cases pushed through, and I

1 expect that these cases will go through and we'll have -- We'll
2 be working with the NOAA Office of Law Enforcement on this.

3
4 As far as IFQ enforcement, this is a land-based patrol, and so,
5 when you're looking at the overall dollar amount, this is a
6 relatively lower amount of funding that's utilized for those
7 patrols, but what I would tell you is that the work that occurs
8 in the IFQ patrols, responding to the landings of the IFQ
9 vessels, as well as the outreach and communication between our
10 officers and the industry, we had no violations in the IFQ
11 system this year, but I would tell you that what we're doing,
12 working with the industry and responding to those calls, we've
13 had great luck, and it shows, in the fact that the compliance
14 rate is so high.

15
16 As part of the IUU enforcement, this is another enforcement
17 effort that we have that is also going to be land-based at this
18 point in time. It's fairly new, and we've been doing it for the
19 last few years, and I will tell you that, out of -- We're
20 looking at 157 hours, and these are officer hours and not vessel
21 hours, and so individual officer hours.

22
23 I can tell you that the enthusiasm and excitement around this
24 new priority has kind of taken off in Texas. It started off in
25 Brownsville, and we're very successful, and we're working with
26 multiple agencies that maybe we don't normally work with in
27 fisheries. At our ports of entry, you will see our officers
28 working side-by-side with U.S. Customs agents, U.S. Fish and
29 Wildlife, the Food and Drug Administration, the Office of Law
30 Enforcement, and other agencies that are involved.

31
32 It's just a great situation, and everybody works together, and I
33 think the fact that we're all doing it together and we're
34 discussing the priorities that we're interested in and what
35 we're all looking for as a group, being in that room and each
36 knowing what we're looking at, as far as compliance and all
37 these shipments, and it has just really turned out well.

38
39 Even outside of these few hours that we get through our JEA
40 agreement, the department has actually added funding to this
41 priority, because it's such a high priority for us, and not only
42 the species that are in this program, but we come into our state
43 violations and other wildlife species that are going to be
44 illegally trafficked through these ports of entry, some of which
45 might be exotic and invasive and have additional negative
46 effects on our state.

47
48 We have expanded the funding for IUU, and, of course, it's going

1 to be kind of earmarked for the coast, because that's where the
2 majority of our funding is earmarked for, and we have actually
3 added funding so that we can move to inland ports of entry,
4 airports, and actually provide this type of enforcement inland
5 as well.

6
7 We have invited our federal partners to come with us, and we
8 have done training at inland locations to game wardens and other
9 enforcement officers from all the partner agencies involved, and
10 I will tell you that this has led to many cases.

11
12 Specifically, down in south Texas and Brownsville, we have a big
13 problem with illegal oysters being reported, and it's not
14 something that we looked for in this, but it was a byproduct of
15 these efforts, and, by identifying that through these
16 operations, and working with U.S. Customs, we put a huge dent in
17 those oysters coming across and ending up in our markets and our
18 restaurants and avoiding health concerns for our citizens down
19 in south Texas, and so this has actually kind of spider-webbed
20 off and created a lot larger effort than it began at.

21
22 This is the other side to that, and we just kind of touched on
23 it a little bit when we were talking about the highly migratory
24 species, and we talk about it with reef fish, and that would be
25 our lancha issue. I know you probably hear a little bit of it
26 from the Coast Guard, who is one of our major partners in the
27 efforts to prevent this type of illegal fishing.

28
29 It would be nice, at some point, if there would actually be an
30 at-sea component to the IUU, because, in south Texas, this is
31 our IUU fishing. Just to give you an idea, if you look at just
32 the statistics that I gave you, and those are for the calendar
33 years, we're looking at gillnet seizures. If you look at 2020,
34 that's 2,500 feet of gillnet and 9,950 feet of gillnet in 2021.
35 If you move over to the longline, that's where we get into a lot
36 of our gear that is being seized. We've got 112,600 feet in
37 2020 and 37,120 feet in 2021, and we're not finished yet.

38
39 I will tell you that this gear, and the aquatic species that
40 they are encountering and we're finding -- If you look, you will
41 see everything from sharks to red drum to red snapper and sea
42 turtles, and this gear being in our water and illegally fished
43 has a huge impact on our natural resources.

44
45 Our officers, along with our partners, are doing what we can to
46 slow it down and interdict as many vessels as we can, and they
47 do a great job at it, and, like I said, if, at any point, we
48 could end up with funding through the JEA to specifically go

1 after these vessels that are actually IUU vessels in our waters,
2 that would be great.

3
4 Just so you all realize, we're concentrating on the Gulf, but
5 the lancha issue is not solely a Gulf issue. Texas game wardens
6 encounter lanchas and the issues that they bring with them on
7 all border waters of the state, like Falcon and like Amistad and
8 the Rio Grande River, and we deal with these issues on those
9 water bodies as well every day.

10
11 I can tell you that we go down and we pull seines that they put
12 across the mouth of the Rio Grande, before it empties into the
13 Gulf of Mexico, and it collects everything. Those seines -- The
14 last time I was down there, they had two seines stacked up, one
15 right after the other, from shoreline to shoreline, seining
16 everything that was flowing out of the river. I can tell you
17 that it's a huge problem. Our officers within our agencies are
18 doing a great job, and there's a lot of respect for everything
19 they're doing.

20
21 Another one of our newer priorities would be the Flower Garden
22 Banks, and so we've been doing a few patrols in the sanctuary
23 this year, and we had ninety-six hours dedicated to our eighty-
24 foot platform. You can tell that, out there -- The positive
25 thing is we had no violations, and we actually encountered
26 vessels.

27
28 We actually encountered, on one of the trips, our partners at
29 NOAA out there on their research vessel that were working on
30 projects within the sanctuary, and I can tell you that just
31 actually having conversations with folks associated with the
32 Flower Gardens, on the trips that were made this year, either
33 they saw us because they were out there, or they were notified
34 by somebody that Parks and Wildlife game wardens were present in
35 the sanctuary, and so I can tell you that folks know that we're
36 getting out there and that it's possible to see a game warden.

37
38 I know that folks from the Flower Gardens are very appreciative
39 of that, and we're going to hopefully be able to continue this
40 and move forward and provide that service out there in the
41 Flower Gardens.

42
43 Charter/for-hire, this is probably the newest of our priorities,
44 and I know that you all had a lot of discussions about this
45 today, especially since we began our -- I can tell you that,
46 when we started this and through now, we've done a lot of
47 education. We have put a lot of hours in of enforcement, and
48 we've done a lot of education on the requirements of this

1 program, and our game wardens are visiting with the crews of
2 these boats and making sure that they know what's coming and
3 what is going to be required of them.

4
5 They have made a couple of cases in between, and we've had a
6 couple of permit violations that have come up, just coincidental
7 to the inspections that are being done through charter/for-hire
8 inspections.

9
10 Significantly, something that we did, and this started off as a
11 land-based, dockside patrol, and, to make it more effective and
12 efficient, NOAA has allowed us to break those hours apart and
13 have a near-shore vessel patrol built into that. A lot of
14 times, you'll run into a harbor where your docks might be fairly
15 well spread out, where, if you're on land, you might be having
16 to go back and forth vessels that are landing at the same time.

17
18 By having that vessel and being able to hang around maybe the
19 jetties, or the entry into that harbor, it allows you to
20 actually encounter those boats and follow them where they're
21 headed, and it's just a little bit more efficient, and so we'll
22 continue, if we're allowed to, to have both types of patrols
23 built into this priority, but I would say it was successful.

24
25 The addition of our capabilities to be able to access the data
26 will be huge. We were able to complete the work, and the
27 majority of the captains that were compliant with this, they
28 would take you in and show you the data that they had sent, and
29 they would go over things, and we were able to accomplish what
30 we were trying to do, but it would be way more efficient and
31 effective once we have access to some of the systems with that
32 data, and so, whenever that comes online, that will be much
33 appreciated.

34
35 As far as -- I know we're limited on time, and that's all I had
36 really planned, was just really to go over everything, if
37 anybody has any questions.

38
39 **CHAIRMAN FRAZER:** I appreciate the presentation, and I just want
40 to congratulate you on your new duties. I think we all look
41 forward to seeing you at future council meetings, and so that
42 will be good, but I am going to open the floor, real quick, for
43 any questions that you might have for Officer Casterline.

44
45 **MR. GEESLIN:** Just real quick, it's always great to work with
46 you and our law enforcement, but, earlier this week, I had the
47 pleasure of meeting one of our newest enlisted officers, and
48 that was a canine.

1
2 We have recently invested in the training and implementation of
3 a resource canine group, and this particular canine -- I was
4 thrilled to learn that this canine was trained in detecting
5 shark and red snapper, and so I just wanted to share that with
6 the group and commend our law enforcement group for taking on
7 that important task and duties and enlisting resource detection
8 canines. Thanks. Thank you, sir.

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Geeslin, for sharing that with
11 us. All right. It looks like we're all good. Thank you,
12 again, for the presentation. I really appreciated it, Officer
13 Casterline.

14
15 **LT. CASTERLINE:** Thank you, all, and everybody have safe travels
16 home.

17
18 **CHAIRMAN FRAZER:** Okay. Next, we have Officer O'Malley from
19 NOAA OLE. Welcome, John.

20
21 **NOAA OFFICE OF LAW ENFORCEMENT**

22
23 **MR. JOHN O'MALLEY:** First of all, we're in between the OLE
24 quarter reports, and so I just wanted to provide some brief
25 updates today. The next OLE quarterly report will be presented
26 at the October meeting.

27
28 To start out, OLE continues to work with the state and U.S.
29 Coast Guard partners to address complaints of illegal charter
30 activity in the Gulf of Mexico EEZ. This remains a high
31 priority for the division, and we're making some progress.

32
33 On the staffing front, OLE has recently hired new enforcement
34 personnel assigned to the Gulf of Mexico, which was a new
35 special agent, Chris Ahr, that you met this morning, in League
36 City. We will have a new EO in Niceville, Florida, another EO
37 in Fort Myers, Florida, and we have hired an EO in Key Largo,
38 Florida for the Florida Keys.

39
40 We have the following vacant Gulf of Mexico positions, which we
41 intend to fill sometime this year, which will include two Eos in
42 Harlingen, Texas, a supervisory EO in League City, Texas, an EO
43 in St. Petersburg, Florida, another EO in Key West, Florida, and
44 a new ASAC in St. Petersburg, Florida.

45
46 Next, I have a few replies, in regard to some questions and
47 comments that were raised earlier this week. In regard to
48 SEFHIER for-hire items, on the reporting and pending VMS

1 equipment failure amendment, there was a question asked if
2 there's a penalty for not submitting trip declarations,
3 logbooks, et cetera, and I know our General Counsel had
4 addressed it somewhat, but we wanted to reiterate that there's a
5 process of how we issue violations.

6
7 We have the lowest level of compliance assistance, which, for
8 your information, we've been doing since January 1 of this year,
9 and so I would say that we're getting towards the end of
10 compliance assistance in regard to the SEFHIER program and the
11 beginning of it. Next up, we have a written warning, which is
12 not a penalty, per se, and it's a warning. There is no monetary
13 penalty.

14
15 After that, we would have a summary settlement officer, which
16 would be a penalty, and, right now, it looks like those
17 violations, for a SEFHIER violation, could run \$400 to \$500.
18 Those are posted in the national and regional summary settlement
19 schedules, which are on the General Counsel website, and so
20 that's available, and anybody can go and check that out.

21
22 The Southeast Regional Office had mentioned that they are
23 calling vessels one time and then referring them to OLE for
24 reporting violations, and we just wanted you to know that we are
25 currently discussing the referral process with the Southeast
26 Regional Office, and we're also working with our JEA and other
27 available resources to address repeat offenders.

28
29 We've been trying to work with them to get everybody into
30 compliance first, and, obviously, we have to look at each
31 incident on a case-by-case basis, and there is no blanket
32 coverage on this.

33
34 Next, there was a question asked if VMS vendors keep phone calls
35 of calls and issues related to the units failing, and, under the
36 current type approval regulations, we do require that the
37 vendors provide customer service, but it is up to them on the
38 process they use. Call logs to NOAA can be maintained
39 internally in NOAA programs, but that would be up to the SEFHIER
40 staff to specify.

41
42 The regulations do have a requirement for customer service, or
43 in the CFRs, which is 600.1508, and it's basically that they are
44 available twenty-four/seven, and a response is not to exceed
45 twenty-four hours. We already requested approved vendors to
46 provide statements on their unit's robustness and customer
47 service, and those have been provided to the council already.

48

1 Last, on SEFHIER, there was a question in regard to knowing if
2 any current CLS cellular units are installed in the fleet, and,
3 currently, there is only one CLS Nemo unit being used, and there
4 are 126-satellite based units of varying manufacturers, or
5 vendors. Are there any questions on the SEFHIER, before I move
6 on to the next one?

7

8 **CHAIRMAN FRAZER:** I am not seeing any. Carry on.

9

10 **MR. O'MALLEY:** All right. Next, I've just got something short
11 on the shrimp ELB. There is currently two approved EMTU-C units
12 in the Gulf for-hire sector that may be potentially used in the
13 shrimp ELB program, and both of those exceed the proposed 14,000
14 positions, but that may or may not be necessary, and that
15 depends on the ten-minute interval, if that is what is stayed
16 with.

17

18 The FB ETERM can hold 20,000 positions, which is approximately
19 4.5 months, at the every ten minutes, and the WHG Nemo units can
20 hold approximately 50,000 positions, which would be
21 approximately eleven months' worth of data.

22

23 For clarification, these are the number of positions that are
24 queued up to be sent through the cellular communications that
25 can be transmitted. The positions that are in the queue to be
26 sent aren't necessarily held in the same place as the 1,000
27 positions required to be stored in the unit itself, per the
28 regulations. The 1,000 positions are what is used for OLE and
29 General Counsel purposes, if additional proof of positions are
30 needed, and that's all I have for ELB.

31

32 **CHAIRMAN FRAZER:** Thank you, Officer O'Malley. Are there any
33 other follow-up questions? All right. I think you're off the
34 hook, and I appreciate you being here all week.

35

36 **MR. O'MALLEY:** Thank you. It's just today for me. Sorry.

37

38 **CHAIRMAN FRAZER:** Just a day? All right. Good for you. Is
39 there any liaison report coming from the Gulf States Marine
40 Fisheries Commission?

41

42 **GULF STATES MARINE FISHERIES COMMISSION**

43

44 **MR. DONALDSON:** There is, Mr. Chairman, and I appreciate the
45 time, and I've got a couple of things that I would like to
46 report. I have an update on the CARES Act. Round 1 was about
47 \$28 million. Louisiana, Mississippi, and Alabama have
48 distributed all their funds. Texas has distributed about a

1 million, and we're working on distributing the remaining funds
2 here in the near future.

3
4 CARES Act 2, which was about \$26 million, Alabama has closed
5 their application period last week, and we're working on
6 determining eligible participants. Mississippi is finalizing
7 their spend plan, and it should be approved soon. Louisiana is
8 currently accepting applications, through the end of this month,
9 I think in a couple of days, and then the Texas spend plan has
10 been approved, but they are not opening the application process.
11 They are using the applications they received in Round 1, and we
12 will determine qualified candidates from that pool. If there
13 are remaining funds, they will use that to do -- To expand and
14 promote Texas Gulf seafood, and these funds need to be expended
15 by the end of next month, and so hopefully we will be sending
16 money out soon.

17
18 Then the other issue that I would like to talk about is, as I
19 mentioned, the commission is working with the NOAA Restoration
20 Center on a barotrauma project, the Return 'Em Right project,
21 and Florida Sea Grant is the lead agency on doing the outreach
22 and education and device distribution.

23
24 The commission is responsible for the research and monitoring
25 component. We have actually awarded three awards for research,
26 and one has to do with the predation mortality and survival
27 rates of released red snapper, run by Steve Szedlmayer. It's
28 being conducted off the coast of Louisiana and using descender
29 devices and cage-release methods.

30
31 The tagging and releasing of fish is about 30 percent complete,
32 and they have come into some significant issues with predation
33 when reeling the fish up, and it's less of a problem when they
34 were released, but the other project is a Gulf-wide examination
35 of descender device depredation, and we're currently testing the
36 field gear and developing videos for training for-hire captains
37 and collecting data in the field, and we should begin data
38 collection in the spring of next year, and then Marcus, or Dr.
39 Drymon, is also working on two depredation studies whose results
40 could dovetail nicely into this current work.

41
42 Then the last project is a human dimensions project with
43 Southwick Associates, and it's a Gulf-wide angler survey to get
44 opinions and feelings on the use of descender devices. The
45 first draft has been sent out to the states, or should be sent
46 out fairly quickly, for their review and feedback, and then
47 we're working on data sharing agreements with the states, where
48 necessary, and we hope to distribute the survey starting in mid

1 to late next month, and we're shooting for about a 400 response
2 per state by December.

3
4 We talked, during the meeting, earlier this week, about having a
5 presentation in October about some or all of these projects, and
6 so we can certainly -- We'll have some results and provide an
7 update.

8
9 The last issue is our October meeting. We were hopeful to have
10 an in-person meeting from October 19 to 21 in Florida. However,
11 we're reevaluating that, and our Executive Committee is meeting
12 next Tuesday to make a decision, and we will distribute what
13 we've decided early next week, and so hopefully it will be in-
14 person, but we'll see. With that, I will take any questions.

15
16 **CHAIRMAN FRAZER:** Thank you, Dave. Any questions for Dave? All
17 right. You're all good. Lieutenant Commander Motoi. Thank
18 you. You're last, but we really appreciate you being here, and
19 we always like what the Coast Guard has to say.

20
21 **U.S. COAST GUARD**

22
23 **LCDR LISA MOTOI:** I will keep it quick. Thanks, Mr. Chairman,
24 and good afternoon to the members of the council. My name is
25 Lieutenant Commander Lisa Motoi, and I'm glad to join the
26 council for the next three years. I recently reported to Coast
27 District 8 in New Orleans, where I will be serving as the new
28 Living Marine Resources Officer, and my primary job is going to
29 be overseeing and supporting the district's field units in
30 executing the LMR mission.

31
32 For today's agenda, I would like to just provide a brief
33 overview of District 8 and then discuss the Coast Guard's IUU-F
34 strategic plan that was recently released, District 8 assets
35 employed for LMR, fishery boardings, LMR violations and safety
36 violations, the lancha threat, and then the Coast Guard Gulf
37 Regional Fisheries Training Center.

38
39 Here is a brief snapshot of District 8. On the top picture,
40 those are all the Coast Guard districts, with District 8 being
41 in the center, and it encompasses at least twenty-six states,
42 and there is three regions, and so the first is the inland
43 region, which has over 10,000 miles of waterways, with a \$4.6
44 trillion economic impact, the coastal region, which is home to
45 two of our nation's busiest ports, New Orleans and Houston, and
46 then the offshore region, which captures the outer continental
47 shelf oil and natural gas industry.

1 There is three air stations located in New Orleans, Corpus
2 Christi, and Houston, and then the district is divided into
3 seven sectors, which we see in the bottom picture. Now, of
4 these seven sectors, four of them are coastal sectors, Sectors
5 New Orleans, Mobile, Houston/Galveston, and Corpus Christi, and
6 these are the sectors that are doing the LMR mission.

7
8 Then the district also has five fast-response cutters, which are
9 relatively a new class of cutter that we have, and they have
10 been pretty instrumental in combating the lancha threat.

11
12 The Coast Guard's Strategic Outlook Implementation Plan, it was
13 released in July of this year, and I just wanted to highlight
14 this, because it just shows the importance of the LMR mission
15 and how it's growing in relative importance to our other
16 missions, like search and rescue and drug and alien
17 interdiction.

18
19 The plan outlines actions that the Coast Guard will take to
20 achieve the following objectives to combat illegal exploitation
21 of the ocean's fish stocks, support good maritime governance,
22 and foster domestic and international partnerships, and you can
23 read the plan at the link listed.

24
25 These are the air assets that are employed throughout District
26 8, and there's a MH-65 Dolphin and then the HC-144 Ocean Sentry.
27 In combatting the lancha threat, we pretty much fly every day,
28 sometimes multiple times a day, along the maritime boundary
29 line, and the HC-144 has an endurance of over ten hours, and
30 their extensive sensor capability has been really helpful in
31 locating these lanchas.

32
33 Then, switching gears to the domestic fisheries, we'll fly
34 probably two or three times a week in locating the fishing
35 fleets and surveilling the closed areas or just doing data
36 collection.

37
38 For our surface assets, we have the response boat small,
39 response boat medium, and then the eighty-seven-foot patrol
40 boat. Those three assets patrol closer inshore, and then the
41 fast-response cutter will keep them further off, beyond twenty-
42 four nautical miles, and, like I said, they've been about --
43 Nearly half of our lancha interdictions have been from the FRCs.

44
45 For fishery boardings, we really emphasize quality over
46 quantity, which means we want the boarding teams to board
47 vessels actively fishing, and so, of course, it takes longer,
48 but, by boarding vessels actively fishing, the boarding teams

1 can observe like the haul-back, bait use, hook use, turtle
2 mitigation gear, and dehooking devices.

3
4 As far as fishery precedence, our high-precedence fisheries are
5 the shrimp, snappers and groupers, and HMS. The medium-
6 precedence will be the CMP, and then the low-precedence is spiny
7 lobster, corals, and red drum.

8
9 For LMR and safety violations, so far this fiscal year, we have
10 sixty LMR violations across the district, and so 85 percent of
11 those violations are issued to vessels fishing for shrimp, and
12 then followed by reef fish at 10 percent, and then remaining 5
13 percent are CMP and HMS.

14
15 75 percent of those violations are gear-related, whether it's
16 turtle mitigation gear, the turtle excluder devices and then the
17 BRDs, which those are the most common, and then the remaining
18 violations are spread evenly across like permit violations and
19 undersized violations and closed season violations, and so,
20 also, I wanted to point out that the majority, about 75 percent,
21 of the vessels that are given LMR violations also receive safety
22 violations, and so this could be -- I mean, this could range
23 from life jackets, your visual distress signals, EPIRBs, and
24 that's a pretty high number, 75 percent.

25
26 Just to highlight the importance of safety requirements and
27 being safety ready, there was a case that happened two days ago
28 in Sector Houston-Galveston's area where there was a seventy-
29 foot commercial fishing vessel taking on water about a hundred
30 miles offshore, and so they issued a distress call, saying that
31 they were taking on water, and then we lost communications with
32 the vessel.

33
34 It took us some time to narrow down a search area, but, once we
35 got on the scene with our air assets, we reestablished
36 communications, and, fortunately, in this case, the captain was
37 able to get their dewatering pumps to work, and they no longer
38 needed assistance.

39
40 For the lancha threat, this year, we have sixty-five lancha
41 interdictions, 128 detections, detections being if there is just
42 no endgame or we have located fishing gear. On average, lanchas
43 are initially detected approximately eighteen nautical miles
44 north of the maritime boundary line and twenty-five nautical
45 miles offshore. Then, by the time we get an asset out there to
46 interdict, they are fifteen nautical miles north of the MBL and
47 twenty-four nautical miles offshore, and so it does have high
48 visibility at the headquarters level.

1
2 Prior to the pandemic, back in 2019, there was a lancha working
3 group that consisted of senior leadership across various units,
4 headquarters, district, the sector, and the stations, and,
5 really, I mean, the objectives were to discuss initiatives on
6 how to curb the lancha threat.

7
8 Some of the topics discussed exploring a bilat with Mexico,
9 developing more engagement strategies, and then prosecuting
10 repeat offenders, which the number of repeat offenders is pretty
11 alarming.

12
13 Then, last, I just wanted to talk about the Gulf Regional
14 Fisheries Training Center, and we call it GRFTC, and it's
15 located in New Orleans, and it's one of five Coast Guard fishery
16 training centers that we have, and they conduct about twenty
17 classes a year, and they train nearly 400 law enforcement agents
18 from the Coast Guard, NOAA, state and federal fish and wildlife
19 agencies from Brownsville to Key West, and then some of the
20 topics range from policy to on-scene fishing activity, required
21 gear, permits, programs, logs and reports, marine protected
22 areas, patrol resources, species identification, commercial
23 fishing vessel safety, and then documentation, case
24 administration.

25
26 Pending any questions, that concludes my presentation, and,
27 also, I welcome any feedback or suggestions, anything that the
28 council would like to see for the next brief. Thank you.

29
30 **CHAIRMAN FRAZER:** Thank you, Lieutenant Commander, and I thought
31 it was a very, very informative presentation. Thank you for
32 taking the time to put it together. It looks like we have a
33 couple of questions, one from Mr. Gill and then one from Mr.
34 Anson.

35
36 **MR. GILL:** Thank you, Commander. Could you remind us again
37 where the Gulf Training Center is located?

38
39 **LCDR MOTOI:** It's located in New Orleans.

40
41 **CHAIRMAN FRAZER:** Mr. Anson.

42
43 **MR. ANSON:** Thank you for being here, Lieutenant Commander. I
44 look forward to seeing you over the next several years, and, in
45 regard to the training center, the classes, are those all in-
46 person, and so have you had a suspension during COVID, and are
47 they back online, or do you have like a hybrid of some classes
48 via webinar, or are they canned classes, if you will, or how do

1 you operate the center?

2

3 **LCDR MOTOI:** Right now, they are in-person. We are conducting
4 in-person, and then, this upcoming fiscal year, the classes
5 haven't come out, but, as soon as they do, I will be notified.

6

7 **MR. ANSON:** Thank you.

8

9 **CHAIRMAN FRAZER:** All right. Any more questions for Lieutenant
10 Commander Motoi? I am not seeing any, and thank you so much for
11 being here. We have -- Next on our agenda is any remaining
12 business items, and I know, Carrie, you probably touched on one,
13 but I will just make sure that people are aware.

14

15 **OTHER BUSINESS**

16

17 **EXECUTIVE DIRECTOR SIMMONS:** Okay. Thank you, Mr. Chair. Just
18 to give everyone an update on the call for proposals, we had two
19 out, one that was dealing with ageing expansion and age
20 validation for gray triggerfish, and we have received proposals
21 for that, and we are going to review those and decide on a
22 contract as soon as possible, and that includes the Chair, Vice
23 Chair, myself, the Deputy, and we're trying to secure a staff
24 member from the Science Center. Regarding the shrimp -- Also,
25 the Chair of the Reef Fish Committee. Sorry.

26

27 Then, regarding the shrimp call for proposals, as I mentioned
28 earlier, I am intending to get with P-Sea WindPlot, the software
29 developer, and get some more technical specs in there, because
30 we'll need to put that in the call for proposals and extend
31 that, and then we can come back to you with an update on the
32 number of proposals that we have received on that and the next
33 steps. We did receive some proposals, but we do think that we
34 need to include more information in there and readvertise.
35 Thank you.

36

37 **CHAIRMAN FRAZER:** We have a question from Mr. Banks.

38

39 **MR. BANKS:** Carrie, can you please remind us what the budget for
40 each of those projects was?

41

42 **EXECUTIVE DIRECTOR SIMMONS:** It's \$300,000 for shrimp, and
43 \$250,000 for gray triggerfish, or \$200,000, and is that right,
44 Beth? I think it's \$250,000.

45

46 **CHAIRMAN FRAZER:** Okay. That's all right. I think, Patrick,
47 that's close enough for you, right? All right. Any other
48 business items? I am not seeing any, and that brings us to the

1 end of the rope here, the Election of the Chair and the Vice
2 Chair. Somehow, I think it's fitting that I have made my last
3 stand here at the Alamo, but, in all seriousness, it's been a
4 pleasure, and I appreciate the opportunity to have served as
5 Chair for the last several years, and I really appreciate
6 everybody's commitment to working through this process.
7

8 It's a difficult one, many, many times, right, but the people,
9 in general, are very collegial and very professional, and I
10 appreciate that. The one thing I would like to say too is that,
11 as Chair, you get a special opportunity to interact with the
12 staff here, aside from all of our stakeholders, and I just want
13 to remind folks here of what an excellent staff we have.
14 They're amazing, and they work incredibly hard, and they're the
15 reason that we continue to be able to do the things that we do.
16

17 It's been an incredibly challenging year, with COVID, and I
18 don't think we could have made it through without a lot of
19 dedication and sacrifice on their part, and so thank you,
20 Carrie, to you and your team. That's all I've got to say. It's
21 all yours, Mr. Donaldson.
22

23 **ELECTION OF CHAIR AND VICE CHAIR**

24
25 **MR. DONALDSON:** Thank you, Mr. Chairman. I will open the floor
26 for nominations for Chairman. Mr. Anson.
27

28 **MR. ANSON:** I would like to nominate Dale Diaz.
29

30 **MR. DONALDSON:** Do I have a second?
31

32 **MR. BANKS:** Seconded.
33

34 **MR. DONALDSON:** Any other nominations? I think a motion to
35 close the nominations.
36

37 **MS. BOGGS:** So moved.
38

39 **MR. DONALDSON:** Is there a second? Well, that makes the
40 election of Chairman easy. Congratulations, Mr. Diaz. I'm sure
41 that you will do a fine job.
42

43 **MR. DIAZ:** Thank you for your vote of confidence. When you get
44 done with Vice Chair, I want to talk for just a minute.
45

46 **MR. DONALDSON:** Now I will open the floor for nominations for
47 Vice Chair. Mr. Gill.
48

1 **MR. GILL:** Thank you, Mr. Chairman. **I nominate Martha Guyas as**
2 **Vice Chair.**
3
4 **MR. DONALDSON:** Can I get a second?
5
6 **MS. BOSARGE:** Second.
7
8 **MR. DONALDSON:** Any other nominations? J.D.
9
10 **MR. DUGAS:** **I would like to nominate Dr. Stunz.**
11
12 **MR. DONALDSON:** Can I get a second?
13
14 **COUNCIL MEMBER:** Second.
15
16 **MR. DONALDSON:** All right. Any other nominations? All right.
17 That will require us to do a vote. For those that are online, I
18 sent you my cell number, and so, once we have the vote, just
19 send me a text of who your choice for Vice Chair is. Leann,
20 have you got a question?
21
22 **MS. BOSARGE:** Well, no. Usually, when we have a couple of
23 nominees like this, we speak to it just a little bit, and, Bob
24 Gill, I guess that's what I get for being online instead of
25 there, and I was going to nominate Martha, but I did write down
26 a few things, a few traits about Martha, that I thought would
27 make her a good choice for Vice Chair, if I can read that, real
28 quick, and would that be okay?
29
30 **MR. DONALDSON:** That would be perfectly fine.
31
32 **MS. BOSARGE:** All right, and then I guess J.D. will probably
33 want to do the same for Greg. For the last couple of years, as
34 you know, Ms. Guyas has successfully run the Reef Fish
35 Committee, which, as you all know, means that she's been running
36 at least a quarter of every council meeting that we have,
37 because it lasts at least a day, in Reef Fish Committee, and I
38 have been impressed with her ability to manage time and to keep
39 us on schedule, while also giving all council members the
40 opportunity to participate in discussions that, a lot of times,
41 are very passionate, to say the least.
42
43 I feel that she has also run the committee in a neutral fashion,
44 not leading the discussion in one direction or the other, and
45 that is a task in and of itself, and I feel that she would
46 manage the council in the same manner, in fulfilling her duties
47 as a Vice Chairman.
48

1 Having served with Martha, having had the opportunity to serve
2 with Martha on the committee which assisted in the search for
3 our next Executive Director, when Mr. Gregory announced his
4 retirement, I was exposed, actually, to a whole new depth of
5 Martha's management breadth.

6
7 Her experience extends far beyond what we see around the council
8 table, and that was evidenced by her knowledge of things like
9 the budgeting process, the relative human resource laws and
10 regulations, and lots of other aspects of the general business
11 end of running an office such as the council has.

12
13 You combine that with her skills in working with others, and I
14 think she should make an excellent candidate for Vice Chair and
15 would make the Gulf Council proud, and so thank you for agreeing
16 to be nominated, Martha. I know that you and I don't always see
17 eye-to-eye on all the issues, but we can always talk afterwards,
18 and I always respect your position, and, for that reason, I
19 think you're going to make a great Vice Chair.

20
21 **MR. DONALDSON:** Thank you, Leann. All right. If you haven't
22 given John your vote, please do so, and we will take a short
23 recess to tally up -- Myself and the Coast Guard rep will take a
24 short recess to tally up the votes. Thank you.

25
26 **MR. DIAZ:** While they're tabulating the votes, if you don't
27 mind, I will take care of the stuff I wanted to talk about, so
28 we can get out of here when this is done. First, I wanted to
29 let you all know that we're going to reset the committees after
30 this meeting, and so the staff will be sending you all an email
31 with the spreadsheet that we used the last time, and so
32 carefully consider what committees you want to be on, and we
33 will take up repopulating those committees, and we will install
34 people in those committees at the beginning of the next meeting.

35
36 Second, I just wanted to say a few words about Dr. Frazer. It's
37 been an honor to work with Dr. Frazer over the last three years,
38 and he's been a great mentor for me. I have been with him in a
39 lot of meetings where he represents the council, and he's done a
40 great job, and he's been a good example for me, and a good
41 friend, and so thank you, Tom.

42
43 **CHAIRMAN FRAZER:** Thanks, Dale, for those kind words. I
44 appreciate it.

45
46 **MR. DIAZ:** I also want to kid with him a little bit. I always
47 asked him, I said, you know, Tom, is there anything that I can
48 help you with, and so, at the first meeting, he says, well, my

1 car needs washing. I said, well, Tom, is that the duties of a
2 Vice Chair? He said, well, it's under other duties as assigned,
3 and so I'm glad we're not going to be meeting in St. Pete
4 anytime soon, and I understand that he has a big yard with tall
5 grass, but thank you, Tom. I really enjoyed working with you,
6 and it's been a lot of fun. Thanks a lot.

7
8 **EXECUTIVE DIRECTOR SIMMONS:** While we're waiting, I just wanted
9 to say that I really appreciate all your guidance and
10 leadership, Dr. Tom Frazer. It was an honor working with you,
11 and I think we learned a lot from you.

12
13 It was a transition that -- I hadn't been the Executive Director
14 very long before we essentially shut the office down, and I
15 appreciate all the guidance and help you've given us, and I
16 think we have definitely learned a lot from you, and we really
17 enjoyed working with you. Thank you.

18
19 **MR. ANSON:** I will just add that, Tom, I appreciate you
20 volunteering, or at least throwing your name in the hat, to
21 extend all the things that you do outside of the council, in
22 addition to running the council and keeping us moving forward,
23 and I certainly appreciate your willingness to do that, and
24 although we didn't see eye-to-eye on several things, or many
25 things, I do appreciate the dedication and time you spent
26 towards trying to fulfill the duties of Chair.

27
28 **CHAIRMAN FRAZER:** Thanks, Kevin. I appreciate that. Hopefully
29 Dave will get in here pretty soon, so we don't have to endure
30 too many more of these things.

31
32 **MR. DONALDSON:** Our new Vice Chairman is Martha Guyas.
33 Congratulations.

34
35 **MS. GUYAS:** Thanks, everybody, for the vote of confidence, and
36 thanks, Leann. That was really kind of you.

37
38 **MR. DONALDSON:** I will turn it back to you, Mr. Chairman.

39
40 **CHAIRMAN FRAZER:** Well, meeting adjourned. I haven't used the
41 gavel in three years, and I'm going to use one. Thanks,
42 everybody. Have a safe trip home.

43
44 (Whereupon, the meeting adjourned on August 26, 2021.)

45
46 - - -
47